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The “Hippocratic” Stance on Abortion: The Translation, Interpretation and Use of the  
Hippocratic Oath in the Abortion Debate from the Ancient World to Present-Day

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By

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## Abstract

The Hippocratic Oath was written in the fourth or fifth century BCE and was an esoteric document until hundreds of years after its creation. Physicians were not required to be familiar with this document in the ancient world, and its prominence in later history was mainly due to its association with Hippocrates, though the famous doctor is likely not its author. The document was adopted in the medieval and renaissance periods, however, and adapted to conform to Christian ideals that physicians were expected to abide by. In present-day society the oath has been used in legal trials such as Roe versus Wade, and continues to be used by many pro-life associations to argue that abortion should not be permitted under any circumstances. It is the purpose of this essay to examine the oath's stance on abortion in the context in which it was written, to reinforce the fact that it largely disagreed with moral and medical standards which existed prior to the rise of Christianity. This is demonstrated through an examination of the use of the oath by physicians in antiquity as well as the medieval period, changing moral and religious concerns with induced miscarriage, and laws associated with abortion throughout the procedure's history in relation to changing cultural norms. Though the intended meaning of the line in question may be uncertain, it is clear that abortion was an accepted procedure in medical circles in antiquity, and that the adoption and use of the Hippocratic Oath to advance pro-life argumentation was aided by changing social, moral, medical, and religious beliefs.

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### Figure 1

I swear by Apollo Physician and Asclepius and Hygieia and Panacea and all the gods and goddesses, making them my witnesses, that I will fulfill according to my ability and judgment this oath and this covenant:

To hold him who has taught me this art as equal to my parents and to live my life in partnership with him, and if he is in need of money to give him a share of mine, and to regard his offspring as equal to my brothers in male lineage and to teach them this art—if they desire to learn it—without fee and covenant; to give a share of precepts and oral instruction and all the other learning to my sons and to the sons of him who has instructed me and to pupils who have signed the covenant and have taken an oath according to the medical law, but no one else.

I will apply dietetic measures for the benefit of the sick according to my ability and judgment; I will keep them from harm and injustice.

I will neither give a deadly drug to anybody who asked for it, nor will I make a suggestion to this effect. Similarly I will not give to a woman an abortive remedy. In purity and holiness I will guard my life and my art.

I will not use the knife, not even on sufferers from stone, but will withdraw in favor of such men as are engaged in this work.

Whatever houses I may visit, I will come for the benefit of the sick, remaining free of all intentional injustice, of all mischief and in particular of sexual relations with both female and male persons, be they free or slaves.

What I may see or hear in the course of the treatment or even outside of the treatment in regard to the life of men, which on no account one must spread abroad, I will keep to myself, holding such things shameful to be spoken about.

If I fulfill this oath and do not violate it, may it be granted to me to enjoy life and art, being honored with fame among all men for all time to come; if I transgress it and swear falsely, may the opposite of all this be my lot.<sup>1</sup>

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<sup>1</sup> The Hippocratic Oath as translated by Edelstein. Note that he translates “abortive pessary” as “abortive remedy.” Edelstein, “The Hippocratic Oath,” 6.

## Figure 2

As a member of the medical profession:

I solemnly pledge to dedicate my life to the service of humanity;

The health and well-being of my patient will be my first consideration;

I will respect the autonomy and dignity of my patient;

I will maintain the utmost respect for human life;

I will not permit considerations of age, disease or disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, social standing, or any other factor to intervene between my duty and my patient;

I will respect the secrets that are confided in me, even after the patient has died;

I will practise my profession with conscience and dignity and in accordance with good medical practice;

I will foster the honour and noble traditions of the medical profession;

I will give to my teachers, colleagues, and students the respect and gratitude that is their due;

I will share my medical knowledge for the benefit of the patient and the advancement of healthcare;

I will attend to my own health, well-being, and abilities in order to provide care of the highest standard;

I will not use my medical knowledge to violate human rights and civil liberties, even under threat;

I make these promises solemnly, freely, and upon my honour.<sup>2</sup>

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<sup>2</sup> The Hippocratic Oath as approved in 2017, accessed through <https://www.bioedge.org/bioethics/new-hippocratic-oath-for-doctors-approved/12496>.

## Chapter 1: Introduction

### 1.1 Introduction

The Hippocratic Oath, written in the fifth or fourth century BCE, outlines its ideal behaviour and practice for a Hippocratic physician. According to the oath (fig. 1), the physician is expected to respect his teacher and his patients, to leave surgery to those who are trained to perform it, and to never do harm to those who seek help. However, the line, “I will give no deadly medicine to anyone if asked, nor disseminate any such information; and likewise I will not give to a woman a pessary to procure an abortion,”<sup>3</sup> has been the subject of many debates, and is subsequently the main focus of my research. While the Hippocratic author makes clear in this statement that no physician should provide lethal drugs to his patients, his stance on abortion is less straightforward. By using the word “destructive pessary” (Literally, *πεσσὸν φθόριον*), the Hippocratic author specifies just one of many methods that were used in ancient Greece to perform abortions. John Riddle argues that because he specified pessaries, he only meant pessaries and therefore it was acceptable for a Hippocratic doctor to perform abortions using oral drugs, violent means, a disruption of daily routine or eating habits, and more.<sup>4</sup> Other scholars, most notably Ludwig Edelstein, believe that the author intended to prohibit any and all abortions.<sup>5</sup> This debate is not exclusive to present-day scholarship but, as will be discussed shortly, also existed in the centuries directly following the oath’s conception.

Regardless of the author’s original intention, the vague and polyvalent nature of the relevant line has allowed both professionals and non-professionals to interpret and use the oath in

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<sup>3</sup> Konstantinos Kapparis, *Abortion in the Ancient World* (London: Gerald Duckworth & Co. Ltd., 2002), 67.

<sup>4</sup> John M. Riddle, *Contraception and Abortion from the Ancient World to the Renaissance* (Massachusetts: Harvard University Press, 1992) 7, 9.

<sup>5</sup> Ludwig Edelstein, “The Hippocratic Oath: Text, Translation and Interpretation,” in *Legacies in Ethics and Medicine*, ed. Chester R. Burns (New York: Science History Publications, 1977), 21. For more information regarding the current debate on the meaning of the oath, see Kapparis’ *Abortion in the Ancient World*.

whichever way they see fit to justify their stance on abortion.<sup>6</sup> In present-day society, the Hippocratic Oath is viewed as a symbol for the ethical practice of medicine, though in the ancient world it was only used by one sect of professionals—those who belonged to the Hippocratic school of medicine.<sup>7</sup> It has been argued that the oath was not widely used in the ancient world, nor did it gain popularity until the beginning of the Christian era, when it was altered to adhere to changing moral beliefs brought about by the newly formed religious group.<sup>8</sup> Be that as it may, the oath has been used as a powerful resource throughout history to convey moral beliefs, to form new ethical guides for physicians, and to change existing laws on issues of abortion. Because of its status as a document handed down by the “Father of Western Medicine,”<sup>9</sup> it can and has been used by pro-life organizations and protesters as a tool to reinforce the validity and moral stance of their view of the procedure. To begin 2500 years ago as an obscure document used by a small group of physicians, to being thought of today as a significant moral code for medical practice and to be used as a basis for argumentation in modern medical law is no small feat. How did this document become popular, and how have its statements been altered to suit changing values and attitudes? To answer this, I will first provide an overview of the current debate regarding the meaning of the controversial line in the original oath. I will then discuss how the oath was interpreted shortly after its inception in ancient Greece

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<sup>6</sup> The use of the Hippocratic Oath is especially common to pro-life organizations such as the Association of Pro Life Physicians, Abort73, and the American Right to Life, among others. These organizations cite the line in question as confirmation that physicians should not be legally permitted to induce miscarriages. It was also used in the infamous trial *Roe v. Wade*, though it was dismissed due to its controversial use in present-day society. A more thorough discussion of this can be found in the section entitled, “Modern Day Society.”

<sup>7</sup> Howard Markel, “I Swear By Apollo’- On Taking the Hippocratic Oath,” *The New England Journal of Medicine* 350, no. 20 (May 2004): 2027. Even its use in the Hippocratic school is debated, however, as will be discussed in the section entitled, “How the Ancient Doctor Interpreted the Oath.”

<sup>8</sup> Shernaz S. Dossabhoy, Jessica Feng, and Manisha S. Desai, “The Use and Relevance of the Hippocratic Oath in 2015 – A survey of US Medical Schools.” *Journal of Anesthesia History* (2017): 4, doi:10.1016/j.janh.2017.09.005. See also Gary B. Ferngren, *Medicine and Religion: A Historical Introduction* (Baltimore: John Hopkins University Press, 2014), 43, and Edelstein, “The Hippocratic Oath,” 74.

<sup>9</sup> Dossabhoy, Feng, and Desai, “Use and Relevance,” 4.

and Rome, and the ethical and moral standards of the society that contributed to these interpretations. How the oath was used is also important to determine the extent of its influence in medicine at this time. This will provide an overview of the original setting in which the oath was written, which can then be compared to its translation (or—more accurately—mistranslation) in the Medieval and Renaissance eras and its suitability to changing attitudes and values of later history. Its use in present-day society will then be examined to determine how and to what extent the vague wording of the line in question has shaped modern debates in medical ethics. In doing this it will become clear how the oath was altered over time to adapt to changing values of society, and how its importance to the study of medical ethics gained momentum. The symbolic value that this document holds for present-day physicians is truly amazing, though the understanding that many organizations have of this controversial line is based on the oath's transmission and alteration throughout centuries of changing cultural, political, and religious norms.

## 1.2 The Original Meaning of the Hippocratic Oath

The intended meaning of the original text of the Hippocratic Oath is a topic of debate in present-day society. Did the Hippocratic author lay a blanket ban on all abortions, or specifically those induced using pessaries? I will first provide an overview of modern scholarship on the topic, and then a close reading of the original document will provide insight as to why this text has been interpreted and used in the many ways that it has been since it was first written. A summary of modern argumentation will also shed light on what the Hippocratic author's original intention may have been.

Ludwig Edelstein has argued that the original Hippocratic Oath prohibited all abortions, based on the belief that it is a Pythagorean document.<sup>10</sup> Although he states that it specifies pessaries, he argues that it does so because they were considered a drug, just as the poison that was discussed in the line previous.<sup>11</sup> It is difficult to reconcile the fact that a Greek author would forbid all abortions given the evidence of accepted infanticide, though Edelstein gets around this by placing the text in the realm of Pythagoreanism.<sup>12</sup> This philosophical sect believed that the soul entered the body at the moment of conception, and so it would have been a crime to destroy a life that had already begun.<sup>13</sup> Just as it was forbidden for a doctor to give his patients poison and thereby permit euthanasia, it was forbidden for him to give a woman an abortion and thereby destroy fetal life. Thus, the oath, if its author was indeed a Pythagorean, must have been banning all abortion methods rather than simply just pessaries.

The argument that the oath is a Pythagorean document continues to be debated,<sup>14</sup> though Edelstein's interpretation of the meaning of the line has influenced scholarship on the subject a great deal. Edelstein's translation and interpretation of the oath is cited in the article, "The Use and Relevance of the Hippocratic Oath in 2015 – A survey of US Medical Schools," where the authors state that both euthanasia and abortion were forbidden in ancient Greece.<sup>15</sup> Kapparis, too, cites Edelstein in his discussion of the Hippocratic Oath, and believes that the ban included all methods of abortion.<sup>16</sup> Although the oath specifies pessaries, the confusion that this word may

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<sup>10</sup> Edelstein, "The Hippocratic Oath," 27.

<sup>11</sup> *Ibid.*, 17.

<sup>12</sup> *Ibid.*, 21.

<sup>13</sup> Paul Carrick, *Medical Ethics in the Ancient World* (Washington: Georgetown University Press, 2001), 126.

<sup>14</sup> For an in-depth discussion of this issue see Kapparis, *Abortion*, 70-71.

<sup>15</sup> Dossabhoy, Feng, and Desai, "Use and Relevance," 9.

<sup>16</sup> Kapparis, *Abortion*, 73.

cause did not occur to the author, because the meaning was clear to whoever wrote it: no abortions were to be performed by physicians.<sup>17</sup>

Keith Hopkins has also argued that the oath forbids abortion, even though he admits that “abortifacients figure more frequently than either aids to conception or contraceptives [in medical writings].”<sup>18</sup> In fact, Dioscorides recommended 46 abortifacients,<sup>19</sup> and of 26 medical authors from antiquity, 18 mention abortion and 15 provide advice on performing it.<sup>20</sup> An abortion procedure is also detailed in the Hippocratic work, *On the Nature of the Child*. In this text, the author explains that a flute girl became pregnant, and needed to lose the baby lest it interfere with her job. The doctor told her to kick herself with her heels until the seed fell out, thus inducing a miscarriage (Hippocrates, *On the Nature of the Child*, 13.1-4). In this case, the Hippocratic doctor gave advice on how to induce an abortion for a woman who needed it to preserve her livelihood. There is no obvious moral dilemma or hesitation in the description of the flute girl’s actions, but instead only concern for the woman’s ability to perform her job.<sup>21</sup> Given these examples, it is difficult to see why modern scholars argue that the Hippocratic Oath placed a prohibition on all abortion methods. At the very least, if the oath did ban all abortive substances, it was not adhered to by a number of physicians, including at least one Hippocratic. W.H.S. Jones, too, states that “abortion...though doctors are forbidden to cause it, was possibly not condemned in all cases.”<sup>22</sup> He believes that the oath prohibited abortions, though not under all circumstances. The oath itself does not indicate under what circumstances abortions may be

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<sup>17</sup> Ibid.

<sup>18</sup> Keith Hopkins, “Contraception in the Roman Empire,” *Comparative Studies in Society and History* 8, no. 1 (1965): 132.

<sup>19</sup> John M. Riddle, *Dioscorides on Pharmacy and Medicine* (Austin: University of Texas Press, 1985), 63.

<sup>20</sup> Keith Hopkins in *Comparative Studies in Society and History* 8 (1965-6), 132, as cited by Kapparis, *Abortion*, 77.

<sup>21</sup> Susan Dowsing, “Contraception and Abortion in the Early Roman Empire: A Critical Examination of Ancient Sources and Modern Interpretations” (PhD Diss., University of Ottawa, 1999), 20.

<sup>22</sup> W.H.S. Jones, *The Doctor’s Oath: An Essay in the History of Medicine* (New York: Cambridge University Press, 1924), 39.

performed, however, and the only indication that they may have been performed for certain reasons are found in external texts. Because of evidence which stands in contrast to the oath, it is beneficial to view the opposite point of view in this debate, which argues that the line only intended to ban one method: pessaries.

Riddle admits that it is difficult to determine what exactly was meant by the line, “I will give no deadly medicine to anyone if asked, nor disseminate any such information; and likewise I will not give to a woman a pessary to procure an abortion,” though he argues that since the original text specifies pessaries, it only refers to pessaries.<sup>23</sup> Here, Riddle’s main point of argumentation is based on the Greek text itself:

οὐ δώσω δὲ οὐδὲ φάρμακον οὐδενὶ αἰτηθεὶς θανάσιμον, οὐδὲ ὑφηγήσομαι συμ βουλίην τοιήνδε: ὁμοίως δὲ οὐδὲ γυναικὶ πεσσὸν φθόριον δώσω.

As previously stated, the word used in what is believed to be the original text is πεσσὸν, and Riddle asserts that the literal translation of the line is, “...give a suppository to cause an abortion.”<sup>24</sup> Why would an author specify one method of inducing a miscarriage rather than simply stating that a doctor should not produce one at all? If the Hippocratic writer felt strongly enough about the procedure to include it in this oath, then he would have made sure that his stance was clear. When the fact that only pessaries are mentioned is viewed together with the abortive plants and remedies mentioned in Hippocratic texts as well as those of other medical writers, it would appear as though the oath specifies pessaries because that is the method that the author intended to prohibit.

Even if this viewpoint is accepted, it is unclear as to why pessaries would be prohibited rather than other methods. Kapparis and Riddle attempt to answer this question, though a definite

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<sup>23</sup> Riddle, *Contraception and Abortion*, 7.

<sup>24</sup> *Ibid.*

solution may not be within our grasp. Riddle has argued that abortifacients regularly figure in ancient medical texts, but that pessaries were seen as a “lower status” method of procedure, which led to their inclusion in the oath.<sup>25</sup> He does not elaborate to a great extent on this topic, though Kapparis also mentions that the application of pessaries through the genitalia was a “taboo” subject to the ancient doctor. It could have been because of this taboo that the procedure was specified in the original text, though this does not explain why pessaries continued to be recommended to treat other ailments.<sup>26</sup> Lichtenthaler has argued that pessaries were more dangerous than other forms of abortive procedures, though Kapparis counters this by stating that mechanical means, violent means, and oral drugs were also dangerous in the ancient world.<sup>27</sup> Clearly this is an issue for which there is no obvious solution. Theories exist to explain this phenomenon in the Hippocratic Oath, though there is simply not enough evidence to prove or disprove them. Instead there is only speculation as to what the Hippocratic author meant when he wrote the controversial line.<sup>28</sup> Perhaps he meant to prohibit all abortions, maybe he only prohibited pessaries, or, as has also been suggested, perhaps he made the wording vague so that doctors could perform or refuse to perform the procedure at their own discretion.<sup>29</sup> As will be discussed in the proceeding section, the vague wording of the oath also led to numerous debates on its meaning just generations after it was originally written. It is this vague wording that feeds the debate on the oath’s meaning today just as it did in the ancient world, and allowed the document to be interpreted to suit changing ethical and cultural norms throughout history.

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<sup>25</sup> John M. Riddle, *Eve’s Herbs: A History of Contraception and Abortion in the West* (London: Harvard University Press, 1997): 38.

<sup>26</sup> Kapparis, *Abortion*, 73.

<sup>27</sup> *Ibid.*

<sup>28</sup> The fact that pessaries were so dangerous to the mother might also suggest that the oath was not referring to the fetal life that would be harmed by the procedure, but instead that of the mother, whose life was put at risk by it. If this is the case then the Hippocratic author may have listed the provision on abortion to protect the pregnant woman rather than her potential child.

<sup>29</sup> Kapparis, *Abortion*, 73.

### 1.3 How the Ancient Doctor Interpreted the Oath

Soranus provides a clear indication of the problems caused by the vague wording in the oath regarding the issue of abortion. He himself was confused by the fact that the oath appears to forbid all abortions, when the story of the flute girl was included in *On the Nature of the Child*.<sup>30</sup> Because of this story, he believed that the oath prohibited the use of drugs to cause an abortion but allowed the procedure if done by other means.<sup>31</sup> He then refers to the debate that was present among physicians regarding the controversial nature of the procedure:

For one party banishes abortives, citing the testimony of Hippocrates who says: “I will give to no one an abortive”; moreover, because it is the specific task of medicine to guard and preserve what has been engendered by nature. The other party prescribes abortion, but with discrimination, that is, they do not prescribe them when a person wishes to destroy the embryo because of adultery or out of consideration for youthful beauty; but only to prevent subsequent danger in parturition if the uterus is small and not capable of accommodating the complete development, or if the uterus at its orifice has knobby swellings and fissures, or if some similar difficulty is involved.<sup>32</sup>

In this section, Soranus quotes a version of the oath which omits the word “pessary,” which, Soranus tells us, a group of physicians used to argue that Hippocrates condemned abortion for any reason.<sup>33</sup> It is obvious from this passage that an alternative group of physicians did not share this belief, however, as they performed abortions when pregnancy was considered harmful to the mother. Vanity was viewed as an illegitimate reason for abortion, but the procedure was carried

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<sup>30</sup> Soranus, *Gynaecology*, Trans. Owsei Temkin with the assistance of Nicholson J. Eastman, Ludwig Edelstein, and Alan F. Guttmacher (Baltimore: John Hopkins University Press, 1956), I.60.

<sup>31</sup> Ibid. Soranus did not necessarily follow the oath himself, however. When he prescribes drugs to cause an abortion, Soranus states whether they are considered safe or not (I.65). He also recognizes that it is relatively easy to abort a fetus which is young (I.64). This indicates that regardless of the Hippocratic Oath Soranus performed abortions when he felt them necessary.

<sup>32</sup> Soranus, *Gynaecology*, I.60.

<sup>33</sup> This understanding was also expressed by the first century CE medical writer Scribonius, who states, “Hippocrates...laid the foundation for our discipline by an oath in which it was proscribed not to give a pregnant woman a kind of medicine that expels the embryo/fetus.” (*Compositiones*, Praef. 5.20-23, as cited and translated by Riddle, *Contraception and Abortion*, 8). Riddle argues that Scribonius may have received an altered version of the original text. Even if this was the case, it is clear that the meaning of the oath was unclear to ancient medical writers and physicians.

out without discretion by these physicians. The oath was likely adhered to differently by various medical groups, and the document's vague stance on abortion could allow doctors to provide this service at their own discretion without erring from their interpretation of its rules. The presence of abortifacients in medical works such as Soranus' *Gyneacology* suggests that abortion was a common procedure that doctors openly discussed, and the debate that Soranus cites suggests that those who practiced abortion were not condemned for doing so. In any case, the most restrictive understanding of the Hippocratic Oath had no real bearing on medical practice or medical standards in antiquity. Given this information, it is only natural to next examine how widespread the Hippocratic Oath actually was in medical communities following its origination.

As is articulated in the book, *Doctors and Ethics: The Earlier Historical Setting of Professional Ethics*, "Hippocratic ethics have been seen as an expression of the loftiest moral philosophy, but it is also possible to view them as professional rules of thumb designed to protect one group of physicians against competition from another."<sup>34</sup> Though this statement can be applied to present-day society, it is likely also how the oath functioned when it was first composed. The Hippocratic Oath is an ethical code that physicians were expected to abide by, though it was written for a small sect of physicians in antiquity.<sup>35</sup> If it was written by a Hippocratic doctor, then likely only Hippocratic physicians used it as a guideline for their medical practice. If, however, the oath was written by a member of a fringe group or a Pythagorean as some have suggested,<sup>36</sup> then its use may have been even more obscure than this.

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<sup>34</sup> "Introduction," in *Doctors and Ethics: The Earlier Historical Setting of Professional Ethics*, ed. Andrew Wear, Johanna Geyer-Kordesch, and Roger French (New York: Rodopi, 1993), 1.

<sup>35</sup> Markel, "Taking the Hippocratic Oath," 2027. Though the oath was well known and frequently referenced throughout antiquity. For more on the purpose, use, and references to the oath, see Richard Harrow-Feen's "The Moral Basis of Graeco-Roman Medical Practice," *The Journal of Religion and Health* 22, no. 1 (Spring 1983).

<sup>36</sup> Riddle, *Eve's Herbs*, 39, suggests that the oath may not even be related to the Hippocratic school of medicine, but could instead be an obscure document by a fringe author. Edelstein, "The Hippocratic Oath," 27, suggests that it is a Pythagorean document based on the strict prohibition on Euthanasia and Abortion. If he is correct in this argument, the oath would have only applied to those physicians who subscribed to this philosophical school of thought, and,

Gary Ferngren states that “at no time was it [the Hippocratic Oath] used in the classical world to regulate the practice of more than a minority of physicians.”<sup>37</sup> Certainly not all physicians would have ascribed to this code of ethics, as it was not required of doctors in antiquity. In Greece, anyone could be considered a physician if they said that they were one.<sup>38</sup> Whether they attended school was irrelevant to their ability to practice, as was their adherence to the oath—or any code of ethics, for that matter.<sup>39</sup> Perhaps the oath was written to lay down a code of ethics for physicians to follow, but it likely was not a widespread and required set of rules to be followed when treating patients. Soranus’ account demonstrates the fact that doctors performed duties at their own discretion without much consequence (except maybe judgement by other physicians), whether this be based on their interpretation of the Hippocratic Oath or simply their own moral beliefs. The Hippocratic Oath and the issue of abortion, then, was interpreted many different ways in antiquity just as today, because of the vague and general wording it contains and its odd place in the Hippocratic Corpus. Adherence to the oath in the centuries following its origination was likely not great, and the interpretation of the document and the lack of adherence to it can be linked to cultural concepts of fetal life that existed in the classical world.

## Chapter 2: The Ancient World

### 2.1 When Life Began and When it was Acceptable to Perform an Abortion in Antiquity

In the following sections I will examine the content of the oath and its relevance to cultural norms and medical ethics relating to abortion, to determine why the statement in

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even if it was meant to express a standard for medical ethics, likely would not have been followed by physicians outside of this group.

<sup>37</sup> Ferngren, *Medicine and Religion*, 43.

<sup>38</sup> *Ibid.*

<sup>39</sup> Darrel W. Amundsen, “The Physician’s Obligation to Prolong Life: A Medical Duty without Classical Roots,” *The Hastings Center Report* 8, no. 4 (August 1978): 23.

question may not have been held in as high regard or with as much authority at its inception as it was in proceeding centuries. This will involve a brief discussion on when life was thought to begin according to prominent philosophical schools of thought, as well as a discussion on medical beliefs and the legal and religious status of the unborn fetus. When a fetus can be considered a human being was a topic with no clear answer in the ancient world. Opinions differed based on which philosophical school of thought a person ascribed to, which, evidently, is one of the reasons why the Hippocratic Oath is thought to be a Pythagorean document.<sup>40</sup> By examining the belief on when a life begins according to different philosophical thinkers, it becomes apparent that only Pythagoreans considered a fetus to be alive from the moment of conception. Other schools of thought did not necessarily conform to this belief, and certain authors even condone abortion for political or economic reasons. Because of the wide refusal to recognize a fetus as human at least in the early stages of pregnancy, abortion was not widely condemned in Greece and Rome for a large part of their history. This may be an indication of why the oath was not widely circulated or adhered to by doctors in Greek and Roman society.

Most debates regarding when life begins revolved around the time at which the soul entered the body. When this happened, the fetus became human and its death was more equated with homicide in the philosophical mindset. For Pythagoreans, a fetus gained a soul at conception.<sup>41</sup> According to the Hellenistic account of Alexander Polyhistor, Pythagoreans theorized that the soul originated from hot vapours contained within a piece of brain.<sup>42</sup> When a baby was conceived, this vapour produced a soul, thus making the embryo a living being.<sup>43</sup> A

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<sup>40</sup> The interpretation of the oath as a Pythagorean document rests on the belief that it forbids all abortions, which is a contentious argument in and of itself.

<sup>41</sup> Carrick, *Medical Ethics*, 126.

<sup>42</sup> Edelstein, "The Hippocratic Oath," 19.

<sup>43</sup> Ibid.

similar account is also given by Philolaus, a Pythagorean who lived in the fourth century BCE,<sup>44</sup> which leads scholars to believe that Pythagoreans were completely against abortion even at the time at which the oath was written. It was never acceptable to perform an abortion because an embryo was a human being, and thus the removal of it was considered murder.<sup>45</sup> This was simply one theory which existed at the time, however, and it is clear that the concept that life began at the moment of conception was not highly regarded in broader society or in other philosophical schools of thought in ancient Greece.

The belief that life only began after birth existed before the Hippocratic Oath, and continued into the age of Stoicism. According to Galen, Empedocles believed that the fetus only breathed like a living being outside of the womb, and thus it should only be considered a living being once it is born.<sup>46</sup> Similar views were held by Diogenes of Apollonia, who stated that the soul consisted of cold air which entered the body when a baby took its first breath.<sup>47</sup> He stated that “the soul of all animals is this thing, air warmer than the external by which we are surrounded, but much colder than the one near the sun,”<sup>48</sup> so when an infant is born and takes their first breath, they obtain a soul from the air that they breathe. Thus, a baby should not be considered a human being until after birth. In Plato’s myth of Er, too, the main character states that after the events of someone’s next life are chosen, the souls are “carried...up to their births.”<sup>49</sup> This implies that even though a life may be planned for the child already, it does not have a soul until the moment of birth when it enters the body. This is when its life truly begins.

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<sup>44</sup> Diogenes Laertius, *De Vitis*, 8.28-29, as cited by Edelstein, “The Hippocratic Oath,” 19.

<sup>45</sup> Hassan Yarmohammadi et. al., “An Investigation into the Ancient Abortion Laws: Comparing Ancient Persia with Ancient Greece and Rome.” *Acta medico-historica Adriatica* 11, no. 2 (2013): 293.

<sup>46</sup> Galen, 19,330 as cited by Kapparis, *Abortion*, 41.

<sup>47</sup> Kapparis, *Abortion*, 41.

<sup>48</sup> Diogenes, of Apollonia, Fr. 4 D-K, as cited by Kapparis, *Abortion*, 42.

<sup>49</sup> Plato, *Republic*, trans. G.M.A. Grube (Indianapolis: Hackett Publishing Company, Inc., 1992). 10.621b.

This theory was later taken up by Stoics in the Hellenistic Period, and became a main competitor with the theory of gradual personhood within the womb.<sup>50</sup>

Based on the Stoic concept of when life begins, abortion should have been acceptable up until a baby was born naturally. While fetuses are in the womb, as Philo states, they “are part of the pregnant woman.”<sup>51</sup> It is only when they are outside and separate from their mother’s body, therefore, that they become their own being. Abortion, then, should have been acceptable because when inside the womb, the fetus was not truly a human being. If you are not killing a human being but instead simply a non-essential part of the mother, then there should be no problem with the procedure. The feelings of all Stoics on this matter are difficult to reconcile, however, as even those who were proponents of this theory did not necessarily support abortion. Philo, for instance, even though he stated that a baby was not human until it received its soul, believed that abortion was wrong and did not support the practice.<sup>52</sup> It is for this reason that it is difficult to determine the true feelings of ancient Greeks and Romans on issues such as these, though it is important to note that the argument put forward by Stoicism found less support than other prominent theories from the classical world that were used as a basis to determine when abortions should and should not be performed.<sup>53</sup> Some may not have supported abortion, but the theory of animation after birth surely allowed others to reconcile the fact that losing a fetus was not necessarily linked with the killing of a human being.

One of the prominent theories of when life begins in the classical era was that of gradualists.<sup>54</sup> When animal fetuses were examined by doctors, it was clear that they developed

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<sup>50</sup> Kapparis, *Abortion*, 42.

<sup>51</sup> Philo, 5.154, as cited by Kapparis, *Abortion*, 43.

<sup>52</sup> Kapparis, *Abortion*, 44.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*, 42.

gradually within the womb, and thus, medical practitioners believed, humans did too.<sup>55</sup> Aristotle provides information on the process of development and the acceptability of abortion in his *History of Animals*. In it, he states that male fetuses are formed by the 40<sup>th</sup> day after conception, and females by the 90<sup>th</sup>. When an abortion is performed after these time periods, distinct parts of the fetus may be observed.<sup>56</sup> Empedocles too argues that formation is gradual within the womb, though the length of time he believes it takes for a fetus to achieve human form is different from Aristotle. Diogenes of Apollonia references this debate when he states,

Empedocles said that in humans formation begins from the 36<sup>th</sup> day and the limbs are perfected from the 51<sup>st</sup>. Asclepiades said that in boys, because their constitution is hotter, the formation begins on the 26<sup>th</sup> day and is completed from the 50<sup>th</sup>, while in females formation takes two months because of the lack of heat.<sup>57</sup>

Though each theory on the complete formation of the fetus is different, it is clear that there was inquiry into the fact that fetuses developed into their human form gradually throughout pregnancy. It is also important to note that it was difficult for physicians in this period to determine when conception took place. A baby that was “formed” after 40 days, was not necessarily conceived 40 days prior. For this reason it is difficult to determine at what stage scholars such as Aristotle had observed formed fetuses, though their experience in these matters and beliefs on when the fetus was fully developed affected how they viewed the beginning of life itself. These examples do not include any mention of a soul, though the two ideas are not separate. The only question left to answer, then, was at what stage of development the soul entered the body to make the fetus a living being, and effect when it was and was not acceptable to provide an abortion.

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<sup>55</sup> Ibid., 44.

<sup>56</sup> Aristotle, *History of Animals*, transl. D’Arcy Wentworth Thompson (The Internet Classics Archive), 7.3.

<sup>57</sup> Pseudo-Galen, *Philosophical History*, 125, as cited by Kapparis, *Abortion*, 45.

Aristotle believed that to be considered a human being you needed a nutritive, sensitive, and rational soul.<sup>58</sup> A zygote has a nutritive soul because it is capable of growth, and capable of consuming nutrients to support that growth. Animals and plants also have nutritive souls, and thus a fetus with only this is not considered a human being. Rather, in order to be considered a human being, a fetus needs a rational and a sensitive soul as well.<sup>59</sup> This can be reconciled with Aristotle's other works to determine his view on abortion, and that of other gradualists. In his *Politics*, Aristotle states, "the line between lawful and unlawful abortion will be marked by the fact of having sensation and being alive."<sup>60</sup> In this statement, Aristotle implies that there is a time during pregnancy when it is acceptable to induce a miscarriage, and a time when it is not. It is acceptable to produce an abortion when a fetus has no sense or life, but after this point the baby should be born and then is free to be exposed if necessary.<sup>61</sup> This is not to say that Aristotle is against abortion, in fact he encourages it in his *politics* to control the population. He writes, "If any people have a child as a result of intercourse in contravention of these regulations, abortion must be practised on it before it has developed sensation and life."<sup>62</sup> He believes that this procedure is a way to control population, though he reiterates that it should be done before "sensation and life" are experienced by the fetus. The exact period that this refers to within pregnancy is uncertain,<sup>63</sup> though it is clear that Aristotle believed that life began sometime when

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<sup>58</sup> Aristotle, *On the Soul*, trans. W.S. Hett (Cambridge: Harvard University Press, 1975), 415a.

<sup>59</sup> Aristotle, *Generation of Animals*, transl. A.L. Peck (Cambridge: Harvard University Press, 1943), II.III. The time at which a fetus receives a rational soul, however, is unclear.

<sup>60</sup> *Politics*, 1335b.

<sup>61</sup> Aristotle, *Politics*, 1335b.

<sup>62</sup> *Ibid.*

<sup>63</sup> James Owen Drife, "Historical Perspective on Induced Abortion through the Ages and its Links with Maternal Mortality," *Best Practice & Research Clinical Obstetrics and Gynaecology* 24 (2010): 432. Drife believes that Aristotle refers to movement within the womb, though the statement could refer to the 40 or 90-day period when the embryo was thought to take human form. He could also be referring to the presence of a rational soul in the fetus, though the time at which this occurs is unclear.

the child was in the womb, and that after this point it would be unjust to kill it until it was born.<sup>64</sup>

A Hippocratic writer also states that a woman can have an abortion between the fourth and seventh month of pregnancy, suggesting that there was a time in which it was acceptable and unacceptable to perform the procedure.<sup>65</sup> This gradualist viewpoint likely influenced the overall cultural and moral stance on abortion in the ancient world, and would have influenced how the Hippocratic Oath was interpreted in public and private thought.

## 2.2 Medical Ethics

Schools of philosophy in Graeco-Roman culture communicated beliefs which affected the view of human development and fetal life. The school of thought that a physician belonged to and the morality and dignity that they held for their work likely influenced the way that they perceived abortion, and affected whether or not they performed them. How is abortion described in medical texts, though? Did ancient medical writers express stipulations or concerns with abortion? Or did they give unbiased accounts of abortion techniques because they were performed commonly and without much controversy? Medical treatises from Hippocrates, Soranus, and Dioscorides provide answers to these questions, which in turn give insight into ancient abortion techniques, risks, and ultimately the commonality of the procedure in Greek and Roman society despite the presence of the Hippocratic Oath.

Susan Dowsing notes that in ancient medical texts which discuss abortion, very little is said about the stage of development of the fetus in relation to the technique being used to extract

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<sup>64</sup> The point at which life truly began was not (and still is not) agreed upon, though Gary Ferngren states that the majority of people in the Classical world likely held a gradualist belief such as Aristotle's. Gary B. Ferngren, *Medicine and Health Care in Early Christianity* (Baltimore: John Hopkins University Press, 2009), 96.

<sup>65</sup> Hippocrates, *Aphorisms*, 5.29. He states that abortion should be avoided during the first and last periods of pregnancy, though the reason for this is unclear. What is important in this statement, is that there is a specific time during pregnancy when abortion was considered acceptable.

it.<sup>66</sup> It could be the case that the writer thought the developmental stage would be obvious to his readers and did not feel the need to include it, or simply that there were no legal stipulations on the matter so there was no need to specify at what stage of development the treatment was used. In fact, very few treatises even discuss the fetus as a viable being. In *On the Nature of the Child* when the flute girl is instructed on how to abort her fetus, the author writes,

I told her to jump up and down, touching her buttocks with her heels at each leap. After she had done this no more than seven times, there was a noise; the seed fell out . . . it was as though someone had removed the shell from a raw egg so that the fluid inside showed through the inner membrane. . . . In the middle of the membrane was a small projection: it looked to me like an umbilicus. . . . From it, the membrane stretched all around the seed.<sup>67</sup>

Here, the Hippocratic author describes an abortion through physical, violent means. By telling the flute girl to violently jump up and down, the physician is providing her with a means to end her pregnancy. He does not refer to the embryo as such, nor does he refer to it as a fetus, child, or a being in any way. Instead, he labels it a “seed,” thereby removing any reference to it as a potential human. In *Fleshes*, too, abortion is discussed without scruple. In section 19, the author states that prostitutes commonly abort embryos when they find out that they are pregnant.<sup>68</sup> He also states that a fetus is formed within seven days of pregnancy, because he has seen and dissected these aborted embryos.<sup>69</sup> Again, abortion is mentioned without any stance on whether it is right or wrong. In fact, the physician relays that he has used these aborted embryos to better understand human development. The casual way that abortion is discussed would suggest that it was an accepted practice for prostitutes to

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<sup>66</sup> Dowsing, “Early Roman Empire,” 20.

<sup>67</sup> Hippocrates, *On the Nature of the Child*, 13, as cited by Steven H. Miles, *The Hippocratic Oath and the Ethics of Medicine* (New York: Oxford University Press, 2005), 87.

<sup>68</sup> *Fleshes*, 19.

<sup>69</sup> *Ibid.* Again, emphasis should be placed on the fact that it was difficult to determine when the time of conception was in this period.

perform. Pregnancy would affect their livelihood, and so they induced a miscarriage if they became pregnant. The nonchalance when discussing abortion procedures in these passages would suggest that the practice was accepted and openly performed by women and physicians in the ancient world.

The sheer number of references to abortive remedies and techniques within medical treatises suggests that the procedure was common and likely not stigmatized in Greek and Roman popular thought.<sup>70</sup> In *Diseases of Women I* there are nine separate cases where the extraction of a dead or damaged fetus takes place, and 17 of “another,” possibly for the same reason or perhaps simply because the woman wished to have an abortion.<sup>71</sup> In total, there are 27 instances in both *Diseases of Women* and *Nature of Women* that could refer to elective abortions.<sup>72</sup> A Hippocratic author even stated that squirting cucumber was his preferred drug to use to produce a miscarriage, declaring, “there is nothing that is better.”<sup>73</sup> *Diseases of Women* also lists pessaries which consist of ingredients such as pennyroyal, wormwood, cucumber seeds, black cumin, and all-heal, among others, which were used in recipes specifically to induce abortion.<sup>74</sup> Other abortion methods provided in the text include oral drugs (made of wine mixed with laserwort, colocynth, and dittany, among other plants), violent means such as shaking the woman vigorously, and applications consisting of

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<sup>70</sup> And non-medical treatises as well. One such example is Aristophanes’ *Peace*, written in 421 BCE. In it Triguaius asks Hermes if there would be a problem if the female companion he was given were to become pregnant. Hermes responds that it would not be a problem if he added a “dose of pennyroyal.” Pennyroyal can be used as a contraceptive and abortifacient, and its use must have been widely known if the audience was to understand the joke.

<sup>71</sup> Nancy H. Demand, *Birth, Death, and Motherhood in Classical Greece* (Michigan: John Hopkins University Press, 1994), 58. The passages she refers to are I.78 (8.184.19-186.2), (8.186.4-6), (8.186-7), (8.186.22-24), 8.188.13-14), (8.188.14-17), (8.188.18-20), I.91 (8.218.13-15), and (8.220.16).

<sup>72</sup> Demand, *Birth, Death, and Motherhood*, 59.

<sup>73</sup> Hippocrates, *Diseases of Women*, 1.78 as cited by Riddle, *Eve’s Herbs*, 53.

<sup>74</sup> Hippocrates, I.78.

colocynth and rat's droppings, among other things.<sup>75</sup> It is obvious from the exhaustive list of remedies within the Hippocratic text that abortions were not unheard of in ancient Greece during the classical period. Abortions clearly took place and were discussed openly in medical texts, including those within the Hippocratic Corpus. The lists of recipes to induce a miscarriage are further evidence that abortive remedies existed in great quantities, and their presence in later works demonstrates that they were easily transferable in the ancient world and that abortions continued to be performed for a long period of time without scruple.

Soranus provides a comprehensive list of abortion techniques and recipes in his *Gynaecology* which include baths, violent exercises, oral drugs, suppositories, massage, bloodletting, and enemas. He draws a distinction between an abortive and an expulsive, stating that an abortive is a drug, whereas an expulsive is violent exercise such as leaping or shaking to expel the fetus.<sup>76</sup> He goes on to list recipes which were used to induce abortions, including substances such as myrtle, wallflower seeds, absinthium, and myrrh, among others.<sup>77</sup> Dioscorides, too, provides recipes to induce miscarriages which suggest that this knowledge was widely known and disseminated at least up to the first century CE. He states in his *De Materia Medica* that camel's thorn can expel a fetus when inserted as a pessary,<sup>78</sup> and labels a mixture of wine, white hellebore, squirting cucumber, and scammony, "abortion wine."<sup>79</sup> Though he did not want to list these wines because they consisted of more than a single plant, he included them in his work to show that it was a complete study of recipes

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<sup>75</sup> Ibid. A more exhaustive list can be found in the Hippocratic text itself.

<sup>76</sup> Soranus, *Gynaecology*, I.60. An extensive list of recipes and procedures can be found in the text in sections I.63-I.65. Both abortifacients and expulsives have the same result, though perhaps he makes this distinction to explain why Hippocrates could supposedly ban abortive procedures, but proscribe leaping to the flute girl in his *On the Nature of the Child*.

<sup>77</sup> Ibid., I.65.

<sup>78</sup> I.20 as cited by Riddle, *Dioscorides on Pharmacy and Medicine*, 34.

<sup>79</sup> Riddle, *Contraception and Abortion*, 54.

and abortion methods.<sup>80</sup> In fact, in Dioscorides' first two books, he lists 26 plants as abortifacients out of a total of 400.<sup>81</sup> The fact that such a comprehensive and organized list of abortifacients existed would suggest that the procedure was commonly performed, and the fact that these methods were listed with little to no moral opinion on whether they should be performed or not suggests that they were an accepted practice at the time the work was composed or in the time previous.

When describing regimens and drugs to give a pregnant woman, Soranus is careful to provide alternative remedies in case one does not produce the desired result, and to indicate when a certain drug is particularly dangerous. In section I.65, he states that if a woman does not respond well to being shaken by draught animals, provide her with baths, little food, and vaginal suppositories, but he warns not to make the suppository too strong lest she have a "sympathetic reaction."<sup>82</sup> This recognition of danger and knowledge of alternative methods if the first did not prove effective, suggests that Soranus had experience performing this procedure. He may not have known that a plant given in too high of a dosage would be completely toxic if he—or someone else—had not used it before. Not all methods worked on every woman, and his knowledge in this subject area suggests that he helped women with this previously, or that someone else had and had told him about it. Regardless, the fact that he produced such a great quantity of remedies suggests that a wide variety of drugs had been used for abortive purposes and continued to be used during Soranus' lifetime in the first century CE.

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<sup>80</sup> Ibid.

<sup>81</sup> Dowsing, "Early Roman Empire," 132. It is important to note as well, that recipes existed to "bring on the menses" when a woman had missed her period. These, although not labelled as abortifacients in medical texts, would have expelled a fetus if the woman was pregnant. Thus, more recipes may exist in the texts that serve the same purpose as abortifacients, but are not presented as such.

<sup>82</sup> Ibid.

Dioscorides and Soranus occasionally show reluctance to provide patients with physical drugs to induce miscarriages. Dioscorides did not like to use wines because of the toxicity of plants and the difficulty that was involved in providing the correct dosage to the patient,<sup>83</sup> and Soranus warned against certain drugs and surgical methods due to the danger they posed to the pregnant woman.<sup>84</sup> The fact that these recipes were recorded despite the reluctance of these physicians to use them indicates that they were employed by doctors in antiquity. These medical writers included the recipes and techniques simply because they wanted to have a comprehensive list of them. It is interesting to note that there is no hesitation to provide their audience with these recipes because of their use in expelling fetuses, but rather only hesitance when the drug has a chance of harming the patient. In these instances, at least, it would seem as though the health of the mother was of more concern than the life of the fetus. Abortion was not the problem in the minds of physicians; the harm the procedure may cause the patient was.

### 2.3 Social Aspects of Abortion: Legal and Religious Concerns for Fetal Life

Abortion as a procedure carried very little social or legal consequence in Greek and Roman society. The idea that destroying a fetus was ethically similar to killing a person was not clearly expressed until after the Hippocratic Oath was written,<sup>85</sup> so any problems with abortion itself did not concern the fetus. Rather, the evidence which exists suggests that problems mainly arose when a woman sought to obtain an abortion against the will of her husband or *kyrios*, or when someone provided an abortion without the woman's consent. In Euripides' *Andromache*,

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<sup>83</sup> Riddle, *Contraception and Abortion*, 54.

<sup>84</sup> Soranus, *Gynaecology*, I.63; I.65. Here Soranus warns against anything "sharp-edged." All references we have to the surgical removal of a fetus, however, do not refer to an elective abortion, but rather the removal of a fetus which died *in utero*.

<sup>85</sup> Miles, *Ethics of Medicine*, 82.

written in the fifth century BCE, Andromache is accused of giving Menelaus' daughter an abortion, or making her infertile.<sup>86</sup> In this instance it is not the abortion that is the main issue, but the fact that she did it without Hermoine knowing, and deprived her husband of children.<sup>87</sup> Andromache admits that this was wrong and that these actions deserve punishment when she states, "In his eyes I incur no less a penalty than in yours if I afflict his line with childlessness."<sup>88</sup> Andromache here relates the main issue that deserves punishment—namely, depriving Hermoine's husband of the possibility of heirs. She does not state that punishment should be permitted because a life was taken, but rather because a husband could not carry on his line. In this instance it would appear as though the main problem with abortion was the rights of the father rather than those of the potential child.

*The Life of Lycurgus* also suggests that whether a woman had an abortion or not depended on her husband's line of succession. In the relevant passage, Plutarch writes that Lycurgus made his sister-in-law promise to have her deceased husband's child rather than abort it by stating "that she need not use drugs to produce a miscarriage, thereby injuring her health and endangering her life, for he would see to it himself that as soon as her child was born it should be put out of the way."<sup>89</sup> Though no moral dilemmas are expressed concerning the life of the child, this statement does demonstrate the moral issues associated with abortion that Plutarch believed existed in the 8<sup>th</sup> century BCE when Lycurgus lived. Lycurgus warns the woman against abortion due to the danger it poses to her health. The life of the fetus is of no concern in this statement, as is clear when he tells her that he will expose the child after it is born. The

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<sup>86</sup> 355-365.

<sup>87</sup> Euripides, *Andromache*, 365.

<sup>88</sup> *Ibid.*, 359-360.

<sup>89</sup> Plutarch, *Parallel Lives: Life of Lycurgus*, trans. Bernadotte Perrin (Cambridge: Loeb Classical Library, 1923), 3.2.

underlying reason he does not want her to lose the baby, however, is so that he is able to protect the child once it is born so that it can become the king of Sparta and continue its father's rightful line of succession. The child lives not because abortion is considered wrong for the fetus' sake, but because it is right for the child to inherit its father's kingdom. Based on this passage, it is evident that abortion was an accepted -though dangerous- procedure that did not incur punishment for the mother in many cases.

Lysias' *On the Abortion* is a fragmentary speech regarding a legal case from Athens in which a man, Antigenes, tries to bring homicide charges against his ex-wife for an abortion.<sup>90</sup> Kapparis attempts to summarize the fragments, and argues that the man had to bring charges of homicide against his ex-wife because no abortion laws existed at the time in Athens.<sup>91</sup> The trial went in front of the Areopagus, and Antigenes claimed that his former wife had committed homicide because their child was formed at the time of the procedure.<sup>92</sup> He argued that it should have been considered a human being because of its defined features in the womb, but the court sided with the woman.<sup>93</sup> Antigenes relied heavily upon the argument that a formed fetus should be considered human, but was unsuccessful in convincing the court of this.<sup>94</sup> If there was a law in Athens against induced abortion, he would not have had to bring homicide charges against this woman, and he would have won his case. As it stood, however, he was unsuccessful in prosecuting his ex-wife for her actions. Once again, it would appear as though abortion was of little concern based on the moral standing of the fetus itself.<sup>95</sup>

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<sup>90</sup> As cited by Kapparis, *Abortion*, 177.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid., 178.

<sup>94</sup> Ibid.

<sup>95</sup> Cicero details a similar trial against a Milesian woman who also had homicide charges laid against her for procuring an abortion. She was executed for these charges, though the fact that she was tried for homicide rather than for inducing a miscarriage also suggests that there was no law against abortion during the late republic in Asia.

Feelings of sympathy for a child before it was born are not obvious until the late Roman Republic in texts such as Ovid, and even in his *Amores* 2.13, moral issues relating to the fetus are little acknowledged. In this poem, Ovid laments the fact that his mistress got an abortion and her health is suffering because of it.<sup>96</sup> He states that even though he should be angry, he is not because he is too afraid for her health. It is important to note that Corinna is the focus of this poem rather than her child. Ovid is upset that she tried to have an abortion without telling him, but he does not mention the child or the loss of it once. He is not angry at Corinna for destroying a potential human being, but rather states that he is angry because she took such a big risk in going through with the dangerous procedure, and did not even tell him that she was doing it.<sup>97</sup> Here again, no concern for fetal life is expressed.

One instance in which Ovid does express concern for the fetus is in *Amores* 2.14. In this poem Ovid draws more attention to the fetus by discussing the potential that a fetus holds, and asking what would have happened if people like Caesar, Achilles, or himself were never born. He reiterates the dangers that abortion procedures and drugs had for those who sought them, and states that abortion deprives the world of future citizens.<sup>98</sup> The text again expresses the idea, however, that abortion poses great danger to any woman who obtains one. The poet asks how a woman could risk harming herself, and states that “the girl who tries it [abortion] kills herself as well.”<sup>99</sup> He also writes, “How can you pierce your own flesh with weapons, feed deadly toxins to babies still unborn,”<sup>100</sup> and, “Tell me, in your case, where’s the Tereus or Jason that could

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For a more in-depth look at this subject and further examples regarding the legality of abortion, see “Abortion and the Law” in Kapparis’ *Abortion in the Ancient World*.

<sup>96</sup> Ovid, “Amores,” In *Latin Lyric and Elegiac Poetry: An Anthology of New Translations*, eds. Diane J. Rayor and William W. Batstone, transl Diane Arnsen Svarlien (New York: Garland, 1995), 2.13. Accessed on <http://www.stoa.org/diotima/anthology/amores2.13.shtml>. 2.13.

<sup>97</sup> 2.13.3.

<sup>98</sup> 2.14.27-40.

<sup>99</sup> 2.14.37-38.

<sup>100</sup> 2.14.27-28.

compel you to move your outraged hand against yourself?”<sup>101</sup> In these lines, Ovid expresses the danger that a woman exposes herself to when she gets an abortion. He uses the words “yourself,” “herself,” and “your own flesh” in reference to pregnant women who go through abortions, reinforcing the fact that the procedure can be harmful to the patient. His statement that the woman is giving a fetus “deadly toxins” does appear to condemn the killing of a child before it is born, however, due to the potential that it holds as a future “Achilles” or “Caesar”. Even though condemnation of abortion is more evident in sources such as this, Ovid likely was lamenting the fact that he could have had a son if this abortion did not take place. In the previous poem (2.13), Ovid shows concern for his mistress. In 2.14, he expresses the anger he feels in losing a potential heir. The concern is for a child that could have been great like the poet himself,<sup>102</sup> because Ovid produced it himself. Though the poem appears to condemn abortion, Ovid likely did so because of the anger he felt losing an heir and possibly losing his mistress. The concern is for Ovid’s right to become a father to a potentially “great” man, rather than concern for the wellbeing of the fetus.<sup>103</sup> In this case, the views expressed in this poem are not wholly different than those presented thus far. Although the text expresses concern for abortion procedures, it demonstrates that abortion did occur in this period, and was lamented largely for its imposition on a man’s right to offspring as well as the risks it posed to the pregnant woman herself.

Another indication that abortion was not condemned due to the status of the fetus is religious recourse associated with the procedure. In ancient Greek culture, pollution was incurred through menstruation, childbirth, a miscarriage, sexual activity, abortion, homicide, and in

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<sup>101</sup> 2.14.33-34.

<sup>102</sup> 2.14.21-22.

<sup>103</sup> For a more thorough discussion of this topic, see W.J. Watts, “Ovid, the Law, and Roman Society on Abortion,” *Acta Classica* 16 (1973): 89-101.

certain cases, consumption of particular foods.<sup>104</sup> Those who were considered polluted were required to stay out of sanctuaries until they were free of any pollution they may have incurred through these acts.<sup>105</sup> Inscriptions which detail the length of time before someone was cleansed of their pollution for both homicide and abortion, however, demonstrate the fact that these two concepts were not linked until later antiquity with the rise of Christianity. This again suggests that an unborn fetus was not considered a living being, and that abortion was not considered religiously wrong in ancient Greek culture.

An inscription from Cos dating to the fourth century BCE states that a person is not to enter a house for five days if someone has died in it, for three days if someone has given birth, and for five days if an abortion was performed within it.<sup>106</sup> Abortion has the same cleansing period as death, which suggests that it was considered a similar concept. It is not linked to homicide, however, which indicates that inducing a miscarriage was not considered murder, but was simply thought of as a death in the family. A sacred law from Cyrene which also dates to the fourth century BCE implies a similar message: “If a woman has an abortion, if the fetus is large and clearly formed they are contaminated as with someone’s death, but if it is not yet formed, the house is contaminated as with childbirth.”<sup>107</sup> Here the sacred law distinguishes between a formed and an unformed fetus. If the fetus is unformed, then less pollution is incurred.<sup>108</sup> If it is formed, then it is equated with the death of a living being, though again, not homicide. The language used in the law’s original form does not distinguish between an induced and a spontaneous miscarriage, though this lack of distinction could have been inconsequential in the cultural

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<sup>104</sup> Daniel Ogden, ed., *A Companion to Greek Religion*. (London: Blackwell, 2007), 306-307.

<sup>105</sup> Ibid.

<sup>106</sup> Kapparis, *Abortion*, 171.

<sup>107</sup> SEG 9.72, vv.106-9, as cited by Kapparis, *Abortion*, 171.

<sup>108</sup> I do wonder, however, why an unformed fetus would be linked with childbirth rather than something completely different.

mindset. Regardless of whether the fetus was lost on purpose or not, it incurred the same amount of pollution as when a death occurred in the household.<sup>109</sup> This is important to restate, as it reiterates the fact that abortion was not considered murder in the fourth century BCE, but was instead treated similarly to other normal aspects of life in pagan religion.<sup>110</sup>

A purification law from Delos dating to the third century BCE states that visitors are only allowed to enter the temple of Apollo seven days after childbirth and forty days after an abortion.<sup>111</sup> This purification period is also specified in an inscription from Lindos dating to the third century CE, and on another from Attica which dates to the same period.<sup>112</sup> The inscription from Lindos states that a woman who has had an abortion is polluted for forty days, whereas the death of a close relative pollutes a house for forty-one days.<sup>113</sup> Although a potential child has been lost, that child is not yet a living relative, and thus does not require as long of a purificatory period after its death. The inscription from Attica states that after an abortion there is a purificatory period of forty days, a ten-day period after death, and a permanent ban against someone who has committed murder.<sup>114</sup> In this case, abortion is considered worse than a death in the family, though it is not viewed as the intentional killing of a living being. The punishment for homicide is much more severe than that for an induced miscarriage, and it is reasonable to conclude that the two were not considered the same thing. The period of impurity caused by an abortion tends to be longer in later antiquity than in earlier centuries, which Kapparis links to changing attitudes regarding the loss of a fetus.<sup>115</sup> Abortion, however, was not viewed or treated as homicide until later centuries still.

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<sup>109</sup> For a more detailed argument on the original text of the law, see Kapparis, *Abortion*, 171 n. 10.

<sup>110</sup> The loss of virginity and menstruation, for example.

<sup>111</sup> Kapparis, *Abortion*, 171.

<sup>112</sup> *Ibid.*, 171-2.

<sup>113</sup> LSG 159 as cited by Kapparis, *Abortion*, 172.

<sup>114</sup> Kapparis, *Abortion*, 173.

<sup>115</sup> *Ibid.*

Although the original intention of the statement on abortion in the Hippocratic Oath is highly debated, it is obvious that modern interpretations of the line in question do not necessarily conform to the cultural concepts of fetal life which existed at the time that the document was written. As Darrel Amundsen writes, “It is reasonable to say with absolute certainty that the oath, taken as a whole, is an esoteric document that is often inconsonant with the larger picture of Greco-Roman medical ethics.”<sup>116</sup> The ideas contained in the oath on subjects such as euthanasia and abortion are inconsistent with evidence that exists today to suggest that there was little stigma attached to abortion procedures in ancient Greece and Rome. That is not to say that it was accepted by everyone, simply that it was not considered wrong in the medical, ethical, religious, and legal mindset of larger Greco-Roman society. Physicians and patients themselves could choose to do what they believed was right in these situations, regardless of what the Hippocratic author originally intended with his ban on abortive pessaries. It is my next task, then, to determine how and why the concept of fetal life changed over time to produce stricter rules on abortion, and how the Hippocratic Oath was adopted to suit these changing attitudes and ideals.

### Chapter 3: The Medieval Era

The rise of Christianity in the first century CE and the increasing power of the church influenced how abortion was perceived in social, legal, and medical terms, and subsequently affected how the Hippocratic Oath was translated and used in society. Though the start of Christianity is important to note with regards to this topic, major changes that took place to the text occurred during the Middle Ages and Renaissance period. For this reason, much of the discussion will revolve around these eras. Though each topic is entwined with the others, I will

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<sup>116</sup> Amundsen, “Medical Duty,” 26-27.

first follow the transmission and translation of the oath to demonstrate how it was altered to conform to Christian ethical standards.<sup>117</sup> I will then discuss how physicians in the Medieval and Renaissance eras were trained to show the ethical standards that physicians were now held to, the use of and adherence to the oath by physicians, and their familiarity—or lack thereof—with gynecological matters. It will become apparent from this discussion that the Hippocratic Oath was disseminated and used more widely than it had been in the classical era and was a document of high regard, whereas issues of contraception and abortion were largely disregarded in religious as well as medical circles. I will then go on to discuss the moral debate surrounding abortion and the religious and secular laws associated with the procedure, to provide a sense of the stigma attached to induced miscarriages in this period. The reason why the Hippocratic Oath was adopted in this period will become apparent through the analysis of cultural beliefs which existed at this time.

### 3.1 The Hippocratic Oath: Translation and Transmission

In the early Middle Ages, monasteries were the primary source for the transcription of classical and early Christian literature.<sup>118</sup> Religious views likely influenced the way that monks translated texts, and are also responsible for certain Greek statements being replaced to conform to Christian ideals. This change is especially apparent in the Hippocratic Oath. The text invokes pagan gods, yet contains a set of ethical guidelines that express particular Christian values. If the oath was altered to conform to monotheism rather than polytheism but was still associated with the authority of Hippocrates, it would ensure that physicians had a standard of medical ethics that

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<sup>117</sup> A number of Islamic translations of Hippocratic works were also completed in the early Middle Ages, and were later converted back into Latin. For a thorough discussion on Islamic translations of the oath, see Riddle, *Contraception and Abortion*.

<sup>118</sup> Darrel Walter Amundsen, “The Development of Medieval Medical Ethics” (PhD diss., University of British Columbia, 1980), 110.

was both well-respected and an expression of accepted religious morals. It is because of this that the text of the oath was altered in the medieval era “so that a Christian may take it.”<sup>119</sup> Some versions of the oath were even written in the shape of a crucifix, further establishing its association with the Christian faith.<sup>120</sup> Such texts will now be examined to demonstrate how the oath was altered to tighten constraints on ethical standards that medieval physicians were held to.

Most Christian versions of the Hippocratic Oath omit its reverence to pagan gods, clauses which favor the medical teacher and his students, and clearly state a prohibition on abortion.<sup>121</sup> In a treatise written prior to the ninth century, a section references the Hippocratic Oath before it states, “Do not allow women to persuade you to give abortives, and do not be part to any such counsel, but keep yourself immaculate and sacred.”<sup>122</sup> Here the document is not directly quoting the oath, but referencing the fact that the Hippocratic author prohibited abortion. From this it is reasonable to conclude that the author of the treatises had interpreted the oath to prohibit abortions and conveyed that belief in his own writing. As Ferngren relates, the Hippocratic Oath meant more to Christians after changes were made to it.<sup>123</sup> It was originally a document thought to be written by a prominent medical writer, and after it was altered it became an expression of high medical ideals which suited the beliefs of a largely Christian society. After changes were made to the document, then, it could be disseminated throughout medical schools and the new version could be considered the only one of importance to the lives of physicians.

Between the 12<sup>th</sup> and 16<sup>th</sup> centuries, the passage in the Hippocratic Oath was transcribed to omit the word “pessary” and to instead state that women should not be given abortifacients,

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<sup>119</sup> Jones, *The Doctor's Oath*, 51.

<sup>120</sup> Ibid. Jones posits that these versions of the oath were likely written sometime before the 10<sup>th</sup> century.

<sup>121</sup> Ibid., 52.

<sup>122</sup> Loren C. MacKinney, “Medical Ethics and Etiquette in the Early Middle Ages: The Persistence of Hippocratic Ideals,” *Bulletin of the History of Medicine* 26, no. 2 (January 1952): 19.

<sup>123</sup> Ferngren, *Medicine and Health Care*, 110.

“from above or below.”<sup>124</sup> In some versions the word “pessary” was also changed to “treatment,” to clearly condemn any type of abortive procedure.<sup>125</sup> Alterations such as these omit the original ambiguity of the text and provide a distinct stance on abortion procedures. If physicians were expected to abide by these translations, then they were expected to refuse to induce miscarriages rather than interpret the oath in whichever way seemed best to them as Greek physicians had done in the past. The alteration of the original Greek text, then, had implications for the practice of medicine in the medieval period. With the invention of the printing press in the 15<sup>th</sup> century, works such as these could be widely disseminated and gain a reputation as the original words of the Hippocratic author. Translations of the oath by Arnold of Villanova and Petrus Paulus Vergerius were published in a medical textbook entitled the *Articella*, a translation by Andreas Brentius was published in a collection printed before 1500 that also contained *De Natura Hominis*, and Nicholas Perotti, a noted humanist, also published a translation of the oath which circulated in the 16<sup>th</sup> century.<sup>126</sup> Hippocratic writings were included in library catalogues in Europe from the 8<sup>th</sup> century onwards, and were thus available to a wide variety of scholars with an interest in the Hippocratic Corpus.<sup>127</sup> The Christian version of the oath was widely available to those who sought it out, and the dissemination of these translations likely influenced the way that people viewed the authority of Hippocrates and his ethics of medicine. As will be demonstrated shortly, the oath’s presence in medical textbooks specifically had a pronounced influence on how physicians were taught to perform their medical duties.

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<sup>124</sup> Miles, *Ethics of Medicine*, 88.

<sup>125</sup> Robert M. Veatch and Carol G. Mason, “Hippocratic vs. Judeo-Christian Medical Ethics: Principles in Conflict,” *The Journal of Religious Ethics* 15, no. 1 (Spring 1987): 94.

<sup>126</sup> Pearl Kibre, “Hippocratic Writings in the Middle Ages,” *Bulletin of the History of Medicine* 18 (January 1945): 401.

<sup>127</sup> *Ibid.*, 373.

### 3.2 Hippocrates and the Medieval Physician

In the classical era, no formal education was required to become a physician, and no oath or code of ethics was necessary to be recognized as such. In the late medieval period, however, physicians were expected to have a university education, and by the 14<sup>th</sup> century they needed a license to practice medicine.<sup>128</sup> As will become clear, their education largely consisted of works from classical authors such as Hippocrates and Galen, and the Hippocratic Oath was included in educational medical texts. By associating the oath with medical procedures, medical students became linked to a code of ethics that was intended to facilitate a moral and principled career as physician. They were held to a different standard of ethics than the classical physician, and the Hippocratic Oath was intended to regulate this standard. When the medical works which became part of the physician's education and the ethical standards that they were held to are examined, the reason for the widespread use of the Hippocratic Oath becomes clear.

The works of Hippocrates were widely regarded throughout the medieval period as crucial to the art and practice of medicine. John Chrysostom, Archbishop of Constantinople in the fourth/fifth century CE, introduced a standard of medical training for future physicians, which included teachings of Hippocrates and Galen as well as a focus on herbal therapies.<sup>129</sup> Libraries throughout Europe had copies of Hippocratic writings from the eighth century onward, and by the 11<sup>th</sup> and 12<sup>th</sup> centuries the works of classical medical authorities were included in medical textbooks such as *Ars Medicinae*, which contained a biography of Hippocrates, the oath, and a regimen of health from the same corpus.<sup>130</sup> From the 12<sup>th</sup> century onward, medical students were taught from common texts which increased the availability and knowledge of the works of

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<sup>128</sup> Riddle, *Eve's Herbs*, 121-122.

<sup>129</sup> Arnold John Kuta, "The Judeo-Christian Influence on Western Medicine: The Rise and Decline of Cultural Christian Ethics in the Practice of Medicine" (MA diss., Regent University, 2010), 42-43.

<sup>130</sup> Kibre, "*Hippocratic Writings*," 374.

Hippocrates and Galen.<sup>131</sup> John of Salisbury, author and Bishop of Chartres in the 12<sup>th</sup> century, complained of physicians who came back from training in Salerno or Montpellier “boasting of their acquaintance with Galen and Hippocrates,” which demonstrates not only that these authors were commonly taught at medical schools, but that they were viewed in high esteem by students.<sup>132</sup> The presence of these works in medical textbooks bolstered Hippocrates’ reputation as a medical authority, which surely led students to respect and adhere to the work attributed to him. The oath, being included in these texts, was surely another Hippocratic document with which students became familiar and associated with this now-historical figure.

Hippocratic works were taught in medical schools throughout Europe with arguably more vigour in the 14<sup>th</sup> and 15<sup>th</sup> centuries. *Aphorisms*, *Prognostics*, and *On Regimen in Acute Diseases* were studied in Universities at Paris and Oxford, Montpellier, Bologna, Caen, and Angers.<sup>133</sup> Medical students at the University of Caen were expected to receive 70 lectures on *Aphorisms*, 38 on *Regimen for Acute Diseases*, and 36 on *Prognostics*, all beginning within 15 days of the start of their program. A similar structure was required at the University of Angers in 1485, where lectures on the three works were expected to be studied shortly after a student began the program, though *Aphorisms* was to be studied along with Galen’s commentary.<sup>134</sup> Translations of the Hippocratic Oath produced by Arnold of Villanova and Petrus Paulus Vergerius were also published in editions of the *Articella*, a medical textbook, sometime prior to the 15<sup>th</sup> century.<sup>135</sup>

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<sup>131</sup> Wolfgang P. Müller, *The Criminalization of Abortion in the West: Its Origins in Medieval Law* (Ithaca: Cornell University Press, 2012), 158.

<sup>132</sup> Kibre, “*Hippocratic Writings*,” 374. It is interesting to note as well that Hippocrates figures in the first circle of Hell in Dante’s *Inferno*. This circle was reserved for renowned and virtuous non-Christians, and Hippocrates shares this space with Julius Caesar, Aristotle, Homer, Socrates, and Cicero. Thus, Hippocrates was a character who was recognizable to Dante’s audience, and who was considered by the author to deserve a place among other distinguished figures for his contribution to medicine. Dante, *Divine Comedy*, Hell IV 1.139 as cited by Kibre, “*Hippocratic Writings*,” 376.

<sup>133</sup> *Ibid.*, 376-377.

<sup>134</sup> *Ibid.*, 377.

<sup>135</sup> *Ibid.*, 401.

Again, works from the Hippocratic corpus were made widely available to medical students, and were required texts for anyone who was training to become a physician. The fact that so many lectures on Hippocratic works were required in certain programs demonstrates that the ancient physician's findings, especially those stated in *Aphorisms*, were significant to the field of medicine in the medieval world. The knowledge that students gained through their education was largely that of the Hippocratic school, and for this reason, Hippocrates became a significant medical authority for medieval doctors. He was respected by medical students because works attributed to him were widely disseminated and well known, which very likely had an impact on how well-regarded the Hippocratic school's supposed code of ethics was. In this case, students would have respected the ethics of Hippocrates because their education was largely influenced by other works attributed to him. Though the texts which were most prominently taught were on medical ailments, by the 16<sup>th</sup> century the oath served as a model of behaviour for the physician, and was the Hippocratic writing most often printed in the English language.<sup>136</sup>

Further evidence of the distinction given to Hippocrates in the medieval period can be found in the accompaniment of the oath by the *Lex Hippocratica* in medical texts. The *Lex Hippocratica* expresses the education necessary for a physician to have and the moral standards that they were expected to abide by in their work, and was commonly included alongside the oath in medical textbooks.<sup>137</sup> Its association with the oath stressed ethics in the practice of medicine, and would have appealed to medieval physicians due to the new emphasis that was placed on moral practice in this period. By the late 4<sup>th</sup> century Christian writers determined that the Christian physicians should draw on "the examples of both Hippocrates, the ideal physician,

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<sup>136</sup> Sanford V. Larkey, "The Hippocratic Oath in Elizabethan England," in *Legacies in Ethics and Medicine*, ed. Chester R. Burns (New York: Science History Publications, 1977), 218.

<sup>137</sup> *Ibid.*

and Christ.”<sup>138</sup> They laid out a foundation for the way a physician should act and practice, and provided standards for medical students to adhere to. Hippocrates was included in these standards, because of his medical authority as well as the concern with ethics which was expressed in the oath and the *Lex Hippocratica*. Both documents provide a basis for the ideal physician that could be adapted to Christian attitudes, and they were taught to medical students to influence them in their conduct as doctors.

The Hippocratic Oath was a fixture in medical education, and was sworn by physicians at their graduation ceremony from as early as the fifth century CE. St. Jerome recommended that the oath be sworn by all physicians, and stated that it should be upheld by clerics as well.<sup>139</sup> A few centuries later, Isidore of Seville wrote in his *Etymologies* that “he who wishes to begin the art of medicine and the science of nature ought to take the oath and not shrink in any way whatsoever from the consequences.”<sup>140</sup> A treatise from the eighth century entitled, *On Giving the Sacred Oath and what Sorts of Books one Should Read*, also emphasizes the oath’s use in medical schools. It states that those who want to be active in the art of medicine should take the oath,<sup>141</sup> once again confirming the document’s perceived importance to medical education. Another states that a physician should be “mindful of the Hippocratic Oath and abstain from all guilt and especially from immorality and acts of seduction.”<sup>142</sup> Once again, it is clear that the oath was of high importance to the professional life of the physician. The alterations made to it gave it relevance in the current society, and the importance attached to it likely influenced how seriously physicians upheld its precepts. When specific subject matter that medical students were

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<sup>138</sup> Ferngren, *Medicine and Health Care*, 107.

<sup>139</sup> Kibre, “*Hippocratic Writings*,” 372.

<sup>140</sup> The Paris Manuscript (BN 11219) as cited by Mackinney, “Medical Ethics and Etiquette,” 15.

<sup>141</sup> Chartres 62, 10<sup>th</sup> century folios 1-2 as cited by Mackinney, “Medical Ethics and Etiquette,” 15.

<sup>142</sup> *Ibid.*, 12.

taught is examined, however, it also becomes clear why the line on abortion would have appealed to the ethics now held by medieval doctors.

### 3.3 Abortion in Medical Texts

Ethics were a larger aspect of medieval medicine than they were ancient, though the topic of women's health was of less concern to the medieval physician due to tightening social constraints on sexual morality. The church sought to restrain birth control knowledge and use, and for this reason, it is difficult to find references to abortifacients and contraception in medieval medical texts.<sup>143</sup> New drugs which performed the function of contraception or abortifacients did appear in this period, however, which would suggest that experimentation and folk usage still occurred.<sup>144</sup> However, birth control eventually became associated with witchcraft, which made it a taboo subject in society.<sup>145</sup> For these reasons, medical students were not taught a large amount about gynaecology, and did not learn about birth control during medical training.<sup>146</sup> In fact, most of the prescriptions that have been found in medieval medical texts for abortifacients are listed either secretly, or in a way that suggests that the author was not fully aware of the recipe's intended use. In Folio 19 of the Lorsch Manuscript, a prescription to cure a stomach ache is listed, and contains a total of eleven ingredients.<sup>147</sup> Ten of these eleven ingredients are known abortifacients, however, which has lead Riddle to believe that this was a recipe to induce a miscarriage, but was disguised as a stomach ailment due to moral and legal

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<sup>143</sup> John M. Riddle and J. Worth Estes, "Oral Contraceptives in Ancient and Medieval Times," *American Scientist* 80, no. 3 (1992): 231.

<sup>144</sup> Riddle, *Eve's Herbs*, 108. Although not commonly taught in schools, it is likely that abortive remedies continued to be communicated between folk healers and women themselves. Though these recipes are not necessarily in the written record, the fact that accounts of abortions and abortifacients did survive would suggest that they were still used and taught in some context in this period-likely through oral tradition.

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*

<sup>147</sup> Lorsch Manuscript as cited by Riddle, *Eve's Herbs*, 90.

constraints.<sup>148</sup> In other texts it appears as though the translator simply did not know medical terms for women's health, and so the translation is altered. A translation by Maurice de l'Corde dating to the 1570's lists the Greek for "uterine abortifacient" as "the medicine ejects the afterbirth."<sup>149</sup> This gives the prescribed medicine a different purpose, as it recommends its use after a child is born rather than to stop a pregnancy in the first place. Whether l'Corde was aware of the recipe's intended use or simply was not familiar with the Greek terms is unknown; what is significant to this study is the fact that the recipe was communicated in an inaccurate way. In cases like these it is clear that abortive recipes were not communicated clearly to medical students, if at all. The church was vocal against abortion, and so the doctor had no need to learn how to produce one. Instead, the concentration should be on the afterbirth or on other ailments having to do with pregnancy itself. Further prescriptions may have been hidden in medical texts, though only a learned physician would know how to recognize them. In this case only learned physicians would be able to produce abortions and provide a patient with these recipes without others recognizing what they had done.

Certain medical texts did include abortifacients in them, though the main focus was on how to prevent an abortion rather than induce one. *The Secrets of Women*, a medical text that possibly originated in Salerno, includes information on preventing abortion, though the main subject of concern is how to conceive.<sup>150</sup> It does include a section on the causes of abortion, though likely for the purpose of warning pregnant women against certain plants such as artemisia, Queen Anne's lace, mint, and others.<sup>151</sup> A 12<sup>th</sup> century text, *On the Cures of Diseases*,

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<sup>148</sup> Ibid.

<sup>149</sup> Riddle, *Contraception and Abortion*, 147-148.

<sup>150</sup> *De Secretis Mulierum* 24, as cited by Riddle, "Contraception and Abortion," 123.

<sup>151</sup> Ibid.

also provides information on how to conceive and how to prevent abortion.<sup>152</sup> Some contraceptive aids are provided in the text such as elderwort, balsam, wormwood, and others, and recipes to expel a dead fetus are listed as well.<sup>153</sup> It does state, however, that the patient should know whether or not her fetus is alive before she takes any of the prescribed medicine, because if it is alive, the recipe could kill it.<sup>154</sup> Here the author provides a way to induce a miscarriage, though warns against doing so. The author provides information that could be useful to women who wish to have an abortion, but this is not the intention of the prescription. The intention of the recipe was instead to expel a fetus which had already died. In these instances, at least, recipes for abortion were listed for an alternate reason, whether that be to prevent an accidental miscarriage or to end a pregnancy that had effectively ended on its own. These texts would suggest that abortion was not a widely held practice in medical circles, and was only meant to be induced when necessary.

Of the 22 classical authors that were known in early medieval medicine, 18 mentioned abortion methods.<sup>155</sup> From this, it can be assumed that abortion techniques were not unknown to medieval physicians, and it is possible that knowledge on this topic was transferred within medical circles. This is substantiated by certain texts which did openly include information on effective abortion methods. Albertus Magnus wrote on birth control methods in his *De Mineralibus*, but condemned the practice in his theological works.<sup>156</sup> Macer, Bishop in the 11<sup>th</sup> century and author of a popular herbal guide, discussed artemisia's use as an abortive agent.<sup>157</sup> Jean Ruel (1474-1537), too, translated the works of Dioscorides and stayed loyal to the text

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<sup>152</sup> *De Aegritudinum Curatione*, as cited by Riddle, "Contraception and Abortion," 122.

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*

<sup>155</sup> Katherine Kelley Dittmar, "Conceptions of Children in Early Medieval Society" (PhD diss., Yale University, 1996), 116.

<sup>156</sup> Riddle, *Contraception and Abortion*, 139.

<sup>157</sup> Riddle and Estes, "Oral Contraceptives," 231.

when doing so.<sup>158</sup> He listed willow and white poplar as contraceptives,<sup>159</sup> and juniper and cabbage as abortifacients,<sup>160</sup> changing the language of Dioscorides slightly, but keeping the same meaning by clearly stating that each induces a miscarriage. Techniques to induce abortion were known in the medieval world, then, though it is odd that “beyond the prescriptive literature, we have almost no evidence of the practice of abortion in medieval society.”<sup>161</sup> Sara Butler suggests that this is because of the church’s public opposition to the practice, which deterred people from openly discussing it.<sup>162</sup> Instead public, theological works condemned abortion procedures and certain medical works transferred the available knowledge about abortifacients to future generations of physicians. Whether this was to warn them against the use of these drugs when treating pregnant women or to inform them how to perform an abortion may not be known, though it is clear that it is not a practice which was commonly discussed. Public opposition to abortion likely influenced how often abortions were performed and considered, however, and likely also influenced how the Hippocratic Oath’s stance on the procedure was interpreted. To get an idea of how abortion was viewed in larger society and how these views affected the interpretation of the oath, it is beneficial to discuss how the topic was broached in the social mindset of medieval society.

### 3.4 Abortion in Medieval Society: Fetal Life, the Church, and the Law

A new concern for fetal life began to emerge at the start of the Christian era. In a letter addressed from Porphyry to his friend Gauros in the fourth century CE, the philosopher debated whether or not a fetus should be considered human, and showed concern for its status as a living

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<sup>158</sup> Riddle, *Contraception and Abortion*, 148.

<sup>159</sup> Ruel Folio 88 as cited by Riddle, *Contraception and Abortion*, 148.

<sup>160</sup> Ruel Folio 82; 247, *ibid.*

<sup>161</sup> Sara M. Butler, “Abortion Medieval Style? Assaults on Pregnant Women in Later Medieval England,” *Women’s Studies* 40 (2011): 784, Doi: 10.1080/00497878.2011.585592.

<sup>162</sup> *Ibid.*

being.<sup>163</sup> He stated that the soul may enter the body after birth, at the moment of conception, or once “the embryo has begun to move.”<sup>164</sup> Though this debate existed in the classical era, it did not gain enough momentum to challenge existing laws or attitudes towards abortion. The debate continued under Christianity, however, though more emphasis was placed on the sanctity of human life and a child’s importance as a creation of God. Two major schools of thought existed in the medieval and renaissance periods: one, that the soul entered the fetus once it was “formed” *in utero*, and the other, that every child was created in the image of God and thus was sacred from the moment of conception. I will examine these two theories in closer detail to demonstrate how they influenced the abortion debate in this period, and influenced how abortion was dealt with and viewed in the public eye. It was this debate that allowed Christian authors to interpret the Hippocratic Oath as forbidding all abortions, and influenced their stress on Hippocratic ethics as a guideline for physicians.

Augustine of Hippo wrote about fetal formation and the soul in the fifth century CE. In his discussion of Exodus 21:22, he states:

If what is brought forth is unformed, but at this stage some sort of living, shapeless thing, then the law of homicide would not apply, for it could not be said that there was a living soul in that body, for it lacks all sense, if it be such as is not yet formed and therefore not yet endowed with its senses.<sup>165</sup>

In this excerpt, Augustine states that an “unformed” fetus does not have a soul. Thus, it is not yet a human being and the person who induced the miscarriage or who received the abortion is not at fault for destroying a human life. His theory on when life begins and when it was right to cause

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<sup>163</sup> Porphyry, *To Gauros*, 1-2, through Feen, “Abortion and Exposure,” p. 294, as cited by Riddle, *Eve’s Herbs*, 81-82.

<sup>164</sup> *Ibid.*

<sup>165</sup> Augustine, *Questiones Exodi*, 80.1439-1445 in *Corpus Christianorum*, as cited by Riddle, *Eve’s Herbs*, 84.

an abortion was similar to that of Aristotle. The soul entered the body once the fetus was formed, and only then was abortion forbidden.

By the eleventh century the Christian church had taken a firmer stance against abortion after the fetus had formed.<sup>166</sup> To Thomas Aquinas, this meant after the 40<sup>th</sup> day following conception. Similarly to Augustine, he believed that a body could not have a soul unless there was a body to ensoul, and thus only once the fetus was formed would it be considered a human being.<sup>167</sup> If a fetus were to be aborted before this time, it was considered a sin of a merely contraceptive nature. If it was aborted after the fetus was ensouled, it was seen as homicide.<sup>168</sup> Albertus Magnus also believed that the embryo did not have a soul from the moment of conception, though he did believe that a divine power was present from the beginning of the fetus' formation.<sup>169</sup> It is difficult to determine his stance on the procedure itself, however, because he condemned contraception in his theological works, but provided information on effective birth control methods in his philosophical writings. It appears as though from a religious perspective he was careful to protect the sanctity of life, but from a medical perspective he recognized a practicality in birth control. These opposing ideas are difficult to reconcile, though it is clear that Magnus believed that the soul entered the body after it was formed, and thus helped continue the debate on when life begins. Perhaps his theological works were written for a Christian audience and thus sought to express Christian morals, while his works on natural philosophy sought to provide information to medical personnel. Whatever the case, it is clear that

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<sup>166</sup> Riddle and Estes, "Oral Contraceptives," 231.

<sup>167</sup> James C. Peterson, "Shaping Human Life at the Molecular Level," in *The Blackwell Companion to Science and Christianity*, ed. J.B. Stump and Alan G. Padgett (Oxford: Wiley-Blackwell, 2012), 378.

<sup>168</sup> John Haldane and Patrick Lee, "Aquinas on Human Ensoulment, Abortion and the Value of Life," *Philosophy* 78, no. 304 (April 2003): 262.

<sup>169</sup> Riddle, "Contraception and Abortion," 139.

Magnus believed that personhood was a gradual process which occurred at some point in a baby's development inside the womb.

Antoninus of Florence also provided conflicting views on this issue when he stated that a physician sinned "if he gives medicine to a pregnant woman to kill the fetus even for the preservation of the mother."<sup>170</sup> Later in his *Summa*, the same author stated that a physician only caused the fetus physical and spiritual death if the fetus was ensouled.<sup>171</sup> If it did not have a soul yet, then, only physical death had occurred. The procedure was unacceptable regardless of when it was performed, though again it was more serious when the soul had entered the child's body.

Many theologians in this era were gradualists, holding beliefs similar to Aristotle's proposed model. Abortion was not permitted under any circumstances, but it was less grave of a sin if done earlier in pregnancy rather than later. If it was done before the fetus was formed, it was a sin, though if it was done after the fetus had a soul, abortion was considered murder. The church took a hard stance on induced miscarriage, and based this stance on past theories such as gradualism, but also used evidence from their religion itself to suggest that abortion was wrong.

*Imago dei* was utilized as a major concept in the medieval period to enforce the idea of human value and rights in the abortion debate. This concept suggests that everyone who was born was created in the "image of God," and the destruction of a fetus was the destruction of this image. This concept was largely based on Genesis 1:27, which states, "So God created mankind in his own image, in the image of God he created them; male and female he created them."<sup>172</sup> Genesis 9:6 reinforces this sentiment by stating, "Whoever sheds human

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<sup>170</sup> Darrel W. Amundsen, *Medicine, Society, and Faith in the Ancient and Medieval Worlds* (Baltimore: John Hopkins University Press, 1996), 268-9.

<sup>171</sup> *Ibid.*

<sup>172</sup> Genesis 1:27 New International Version (NIV).

blood, by humans shall their blood be shed; for in the image of God has God made mankind.”<sup>173</sup>

Again the fact that God created men and women is a central concept of this passage, though it reinforces the sentiment that destroying the image of God –or another human being– is a sacred offense. It is easy to see from this example how the act of abortion could be associated with the idea of murder. The time at which a fetus gains the image of God could be debated, but the fact that it was intended to be a living being could also strengthen the argument against induced miscarriage. Jeremiah 1:5 suggests a similar idea: “‘Before I formed you in the womb I knew you, before you were born I set you apart; I appointed you as a prophet to the nations.’”<sup>174</sup>

Again, God states that he knew who the child would be before it entered the womb. This gives the life an inherent value of potentiality that was effectively caused by divinity. Life was considered sacred for these reasons, and the destruction of it could only be seen as wrongdoing.

A strong condemnation of abortion procedures are demonstrated in further passages from the Christian era. The *Apocalypse of Peter* states,

And near that place I saw another strait place into which the gore and the filth of those who were being punished ran down and became there as it were a lake: and there sat women having the gore up to their necks, and over against them sat many children who were born to them out of due time, crying; and there came forth from them sparks of fire and smote the women in the eyes: and these were the accursed who conceived and caused abortion.<sup>175</sup>

Here women who had aborted a child were being punished for doing so, in a rather gruesome way. By stating that women were being tortured by the children that they had expelled, Peter is showing his contempt for this procedure and demonstrating that it was one of sin. A misreading of Genesis 38:8-10 also led the church to believe that abortion was wrong:

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<sup>173</sup> Gn 9:6 (NIV).

<sup>174</sup> NIV.

<sup>175</sup> *Apocalypse of Peter*, trans. Roberts-Donaldson (*Early Christian Writings*, 2018), (<http://www.earlychristianwritings.com/text/apocalypsepeter-roberts.html>).

Then Judah said to Onan, “Sleep with your brother’s wife and fulfill your duty to her as a brother-in-law to raise up offspring for your brother.” But Onan knew that the child would not be his; so whenever he slept with his brother’s wife, he spilled his semen on the ground to keep from providing offspring for his brother. What he did was wicked in the Lord’s sight; so the Lord put him to death also.<sup>176</sup>

The church’s interpretation of this passage states that Onan was punished because he interfered with procreation by spilling his semen on the ground.<sup>177</sup> This led to an increased resistance to birth control, as God seemed to punish Onan for hindering the conception of a child. The modern interpretation, however, suggests that Onan is punished because he disobeyed the Lord’s command to have a child in his brother’s name.<sup>178</sup> The punishment is not for the act of spilling his seed or “potential child,” but for refusing to carry out God’s request because he was opposed to having a child for his brother rather than for himself. This is reminiscent of the concern present in the classical world, not for the child, but for the father’s inherent right to a child. Because of the former interpretation of this passage, the Christian faith took an even stronger stance on contraception and abortion. Ivo of Chartres, Bishop from 1091-1116, stated that abortion was an unnatural act—God should decide who is born and who is not.<sup>179</sup> This view was also taken by Peter Lombard in 1150, and became the prominent stance of the church on abortion at that time.<sup>180</sup> Chaimis, too, in 1474 stated that it was a sin for physicians to cause an abortion even to save a woman whose life was threatened by her pregnancy.<sup>181</sup> Regardless of their view of fetal life, it is clear that the church was firm in its position against the procedure. The religious citizen, then, was taught that abortion was a sinful practice.

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<sup>176</sup> NIV.

<sup>177</sup> Riddle, *Eve’s Herbs*, 92.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid., 93.

<sup>180</sup> Ibid. Riddle notes, however, that the fact that abortion was not seen as a *natural* act affected the church’s view of the procedure in the later medieval era, more so than the concept that the fetus was alive.

<sup>181</sup> Amundsen, *Medicine, Society, and Faith*, 270.

The early church was the first to define abortion as the purposeful eradication of a life infused with divine purpose.<sup>182</sup> Because of passages which employed *imago dei* to suggest the sanctity and value of life even at the early stages of fetal development, abortion was largely condemned as a procedure incompatible with the Christian faith. Theological works opposed acts which hindered conception, and thus opposed any act of destroying something already conceived. Gradualists also opposed abortion more gravely after the fetus was formed, suggesting that it was a procedure that went against the handiwork of God. The church's stance on abortion was clear, and compatible with the educational system of physicians where religious and Hippocratic ideals were combined to provide a moral structure for the medical profession. The church's view on abortion likely influenced the way that Monks interpreted and later translated the Hippocratic Oath, and influenced the way that Christian physicians were expected to practice. The fusion of Christian ideals with moral social principles is clear in this instance, and affected the legality of the procedure as well.

One of the major differences between the law on abortion in the medieval period and that in the classical period is that in medieval times, abortion was firmly equated with homicide. The growing power of the church influenced how a fetus was seen in the eyes of the law, and led to tightened restrictions on abortion procedures. Abortion was considered a sin of homicide and a crime against the child as "the most innocent creation and image of God."<sup>183</sup> This statement provided fetuses with human rights by stating that by expelling them a woman was destroying a living creation of God.<sup>184</sup> The time at which abortion may have been considered acceptable, however, is not so clear.<sup>185</sup> Two canons in the *Decretales* discuss abortion law and its possible

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<sup>182</sup> Dittmar, "Conceptions of Children," 123.

<sup>183</sup> Dittmar, "Conceptions of Children," 126; Amundsen, *Medicine, Society, and Faith*, 199.

<sup>184</sup> Butler, "Abortion Medieval Style?," 780.

<sup>185</sup> Riddle, *Contraception and Abortion*, 140.

relation to homicide. Gratian, a jurist who lived during the 12<sup>th</sup> century, stated that abortion was not murder unless the fetus had a soul, presumably once it had formed.<sup>186</sup> Another stated that punishment should be incurred for use of either contraception or abortion at any stage in pregnancy, because these techniques were prohibiting the birth of a child and were therefore murderous acts.<sup>187</sup> The former was likely a more widely accepted stance in legal terms, as is seen in Edward I's (1271-1307) declaration that abortion was a homicidal act if the fetus was formed at the time of the procedure.<sup>188</sup> Henry III (1216-72), too, stated that if someone induced a miscarriage without the woman's consent and the fetus was formed, they had committed murder.<sup>189</sup> Restrictions were tighter than they were in Soranus' time, though prior to the 19<sup>th</sup> century abortion was only illegal when done later in pregnancy.<sup>190</sup> More evidence of the juridical view of abortion exists in legal proceedings which equate the act with homicide.

The lack of evidence for prosecutions in abortion cases during the medieval period would suggest that the law was not upheld to a great extent, though the evidence that men and women were brought to trial at all for homicide in these cases reinforces the fact that the procedure was illegal at this time. Seven cases have been found which detail the use of abortifacients to cause a miscarriage.<sup>191</sup> In 1417, Margaret Knobull of Pinchbeck admitted to inducing her miscarriage,<sup>192</sup> and in 1469 a woman was brought to trial for killing "the infant lately in her womb by means of

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<sup>186</sup> Amundsen, *Medicine, Society, and Faith*, 200.

<sup>187</sup> *Ibid.*

<sup>188</sup> Riddle, *Contraception and Abortion*, 140.

<sup>189</sup> Riddle, *Eve's Herbs*, 94. It is difficult to reconcile the details and legitimacy of these laws, which complicates the subject a great deal. See Riddle for a more thorough discussion on the topic. A strict criminal abortion law that forbade the procedure at any time was also not created until 1803. Before this time abortion was legal before the fetus had formed, though some theologians disagreed with this school of thought. Riddle, *Contraception and Abortion*, 158. The law was entitled, "Lord Ellenborough's Act."

<sup>190</sup> It is interesting to note that in ca. 1513 midwives were trained to inspect women for suspected abortions. This would not have been an issue if the procedure was legal, though as it stood women were in danger of being prosecuted for inducing their own miscarriage. Helen M. Jewell, *Women in Late Medieval and Reformation Europe 1200-1550*, (New York: Palgrave Macmillan, 2007), 74.

<sup>191</sup> Butler, "Abortion Medieval Style?," 784.

<sup>192</sup> *Ibid.*, 785.

herbs and medicines.”<sup>193</sup> In 1493, George Hemery of Rochester was also accused of putting medicine in a drink to “destroy the boy he had procreated.”<sup>194</sup> Three other abortion cases were also cited from the years 1495, 1497, and 1513, where women were accused of procuring abortions.<sup>195</sup> The sheer number of these cases demonstrates not only that abortion was performed contrary to law in medieval society, but that it was acceptable to bring a woman to trial for it. Bringing a woman to trial for the same offense in the classical period did not have an equivalent effect; the tightening restrictions on abortion in the medieval period allowed more women and abortionists to be brought to trial and prosecuted for the procedure. The new value that the fetus held as a child of God, then, made men and women accountable for any medicine they took or prescribed for this purpose.

In a trial dating to the early 14<sup>th</sup> century, deemed the “Twinslayer’s Case,” a man was brought to court because he had beaten a pregnant woman and caused her to deliver one stillborn child and one who died shortly after birth.<sup>196</sup> The man was taken to court but was never tried or convicted of the crime, because he had received a pardon from the king for another trial that he faced in Bristol.<sup>197</sup> This and the fact that the accused had a mainpernor, has led Riddle to believe that this was a homicide case that was given serious attention.<sup>198</sup> In another case dating to 1242-1243, John de Rechich was brought to trial because a pregnant woman that he had beaten lost her child.<sup>199</sup> In Kent in 1279, a surgeon struck a pregnant woman in order to produce a miscarriage, and in 1281 a man struck his wife with a stick to abort her child, though she died a month later

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<sup>193</sup> Canterbury Act book Y.1.11, f. 57r, as cited by Butler, “Abortion Medieval Style?,” 784.

<sup>194</sup> Rochester Act book DRb Pa 4, f. 232v, as cited by Butler, “Abortion Medieval Style?,” 784.

<sup>195</sup> Ibid.

<sup>196</sup> Riddle, *Eve’s Herbs*, 95-6. The baby who passed away after birth was said to have died because of the injuries that it sustained during the attack.

<sup>197</sup> Ibid., 96. See Riddle for a more detailed discussion of this case.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid., 97.

from injuries that she sustained from this attack.<sup>200</sup> In this instance the husband was brought to court also for the death of his wife, and when he fled he was outlawed from Devonshire.<sup>201</sup> In both of these cases an abortion was deliberately induced, and the men who induced them were brought to trial. Convictions may be difficult to find in the available sources, though the fact that there are recorded instances of people being charged with homicide for the destruction of a formed child reinforces the fact that this procedure was illegal.<sup>202</sup> Furthermore, William Saliceto introduced a chapter of his *Summa Conservationis et Curationis* on abortion and contraception with the statement, “although this chapter may not be according to the strict rules of law..” before proceeding to list ways that fetus’ can be lost during pregnancy.<sup>203</sup> Again it is clear that abortion was a criminal offence which was prohibited in medieval society.

The relationship between the legal view of abortion and the statement in the Hippocratic Oath that a woman should not be given an abortion is clear. Abortion was illegal when the fetus was formed, and physicians swore to refrain from providing the procedure as an immoral practice. They would be punished for providing abortifacients and swore not to do so over the course of their career. Abortions were still performed, as is evident from legal cases themselves, though those who produced them were now held accountable for the destruction of a human life. In this context the adoption of the oath to conform to these principles would have seemed normal and perhaps necessary. In fact, no single factor allowed the Hippocratic Oath to gain the traction that it did. A combination of religious beliefs, the power of the church, respect for classical

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<sup>200</sup> Ibid., 98.

<sup>201</sup> Ibid.

<sup>202</sup> For further examples and details regarding these and other abortion cases from this period, see Riddle, *Eve’s Herbs*, 95-99. It is uncertain in some cases if a child dying shortly after birth was viewed as a more severe crime than that which died *in utero*. The salient point for my research, however, is the fact that causing a woman to deliver early and subsequently causing the death of her child was a criminal offense.

<sup>203</sup> William of Saliceto, *Summa*, ch. 175 as cited by Riddle, *Contraception and Abortion*, 136.

knowledge, and changing attitudes to what a physician should be, allowed the Hippocratic Oath to be adapted and disseminated to the extent that it was. It is impossible to determine exactly what came first, though abortion was condemned in a public and widespread context, and the restrictions placed on it in the oath would have conformed to social ideals which existed at the time. It was these changing attitudes that allowed the mistranslation and alteration of the Hippocratic Oath to be adopted in the medieval and renaissance periods. As will be discussed in the section that follows, the Christianised version of the Hippocratic Oath continued to be used well into the twentieth century as a tool to justify beliefs against abortion procedures.

## Chapter 4: Modern Day Society

### 4.1 Use of the Hippocratic Oath

Though the modern-day version of the Hippocratic Oath bears little resemblance to its original form (fig. 2),<sup>204</sup> it is still attributed to Hippocrates to symbolically reinforce its value in the modern medical profession. After the Middle Ages, the oath continued to be altered to suit changing moral and social beliefs, and is still used in medical schools today as a ritual to signify a student's status as an ethical physician. In 1958, 74% of American and 53% of Canadian medical schools required their students to take an oath.<sup>205</sup> In 1982, 94% of American and 63% of Canadian medical schools administered oaths, 42% of which used an altered version of the Hippocratic Oath and 6% the classical Hippocratic Oath.<sup>206</sup> In a 2009 survey of 1032 US physicians, 79% stated that they had an oath ceremony in medical school, and 85% stated that

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<sup>204</sup> Note that modern versions of the document no longer invoke pagan gods or the Christian God, and omit any mention of abortion.

<sup>205</sup> Irish and McMurray as cited by Edward C. Halperin, "Physician Awareness of the Contents of the Hippocratic Oath," *Journal of Medical Humanities* 10, no. 2 (Fall/Winter 1989): 107.

<sup>206</sup> Friedlander as cited by Halperin, "Physician Awareness," 107.

this ceremony was conducted using a version of the Hippocratic Oath.<sup>207</sup> In a study conducted in 2015, researchers found that of the 67 institutions which responded to an online survey of oath-taking ceremonies, 100% stated that they recited an oath during their White Coat Ceremony, whether it be the original Hippocratic Oath, an updated version, or another oath altogether.<sup>208</sup> It is interesting to note that modern versions of the oath omit the statement on abortion, though the reverence the document receives due to its association with Hippocrates is still great. Recital of the oath may not be a requirement for graduation, but the document is still viewed and utilized as an ethical backbone for medical students to recognize at some point during their formal education. The Hippocratic Oath, then, even the version which omits key concepts from the original, is widely used in present-day society as a symbolic moral code for medical practice.

#### 4.2 The Abortion Debate Under Changing Moral and Ethical Beliefs

The understanding of when life begins and the authority of the church shifted as scientific theories developed and societal issues were given concern over religious ones. Moral philosophy also changed in the modern period, which led to an adapted view on what was and was not acceptable in society. The scientific revolution of the 17<sup>th</sup> century caused many people to believe that it was better to follow personal morals grounded in reason, rather than those set by the church.<sup>209</sup> Philosophers such as Hume believed that ethical guidelines should be based on societal traditions, and thus should conform to the present society's concepts of right and wrong rather than the past's.<sup>210</sup> The church was also challenged by Darwin's theory of evolution in the 19<sup>th</sup> century, as it struggled to reconcile the notion of evolution with the concept that humans

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<sup>207</sup> Ryan M. Antiel, Farr A. Curlin, C. Christopher Hook, and John C. Tilburt, "The Impact of Medical School Oaths and Other Professional Codes of Ethics: Results of a National Physician Survey," *Archives of Internal Medicine* 171, no. 5 (March 2011): 470.

<sup>208</sup> Dossabhoy, Feng, and Desai, "Use and Relevance," 3.

<sup>209</sup> Kuta, "Rise and Decline," 68.

<sup>210</sup> *Ibid.*, 72.

were created in the image of God.<sup>211</sup> This changed ideas about the worth of human life, and children were no longer viewed as being posited in the image of God, but instead could be seen as a result of years of development from Neanderthal to human. Life was not as sacred as once posited and could be viewed in scientific terms rather than mainly religious ones. In effect, it was difficult to understand human life in sacred terms when theories such as Darwin's rose to prominence and caused people to question what they truly knew about the world around them.<sup>212</sup>

#### 4.3 The Use of the Hippocratic Oath in *Roe v. Wade*

One prominent example of the use of the Hippocratic Oath in abortion law is the legal trial *Roe v. Wade*. Prior to this trial in 1973, abortion was a statutory crime in every state.<sup>213</sup> It was only after this lawsuit that abortion was legally accessible to women across America. Jane Roe argued that abortion was a constitutional right and that women should be able to freely obtain the procedure at their own discretion. One aspect of this trial was an evaluation of the Hippocratic Oath and the context in which it was written, to determine whether or not doctors had a moral obligation to refuse the procedure.<sup>214</sup> It recognized Hippocrates as the "wisest and the greatest practitioner of his art" and the "most important and most complete medical personality of antiquity," but also recognized that, although medical schools swore by Edelstein's translation, the original oath specified pessaries in its prohibition.<sup>215</sup> After an evaluation of the presence and acceptance of abortion in antiquity and an analysis of Edelstein's theory that the oath was of

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<sup>211</sup> *Ibid.*, 81.

<sup>212</sup> That is not to say that abortion was reconsidered without concern for fetal life. Many religious debates regarding when life begins still occur, and are countered by scientific debates to the same effect. The strict stance on abortive procedures based on the concept of *imago dei*, however, held less weight than it had in previous centuries.

<sup>213</sup> Raymond S. Edge and John Randall Groves, *Ethics of Health Care: A Guide for Clinical Practice, Second Edition* (Toronto: Delmar Publishers, 1999), 182. The only exception was when pregnancy put the woman's life in danger. Many states passed anti-abortion legislation in the 19<sup>th</sup> century, partly due to a misreading of the Hippocratic Oath and the concept of a doctor's obligations. Riddle, *Contraception and Abortion*, 8.

<sup>214</sup> Riddle, *Eve's Herbs*, 2. A major aspect of the trial was to provide an overview on the history of abortion, to determine whether or not women's rights on this issue had been restricted after the 19<sup>th</sup> century.

<sup>215</sup> *Roe v. Wade*, 410 U.S. 113 (1973).

Pythagorean origin, the document was used to argue that abortion should in fact be legal in present-day society.<sup>216</sup> That the oath was given such attention at this trial gives it significant value as an authoritative document in modern-day society. Physicians swore the Hippocratic Oath, or a version of it, and thus were expected to follow its precepts. Because of the document's mysterious origins and precepts which did not conform to ancient ethical beliefs, it was dismissed as a document which held no bearing in anti-abortion argumentation. In *Roe v. Wade*, the Hippocratic Oath aided the court decision to legalize elective abortion in America. In 2011, abortion was legal in 97% of countries if the mother's health was at risk, 29% allowed it for any reason, 67% for mental or physical health reasons, and 50% allowed the procedure for reasons of rape or incest.<sup>217</sup> Though the Hippocratic Oath does not have great bearing in anti-abortion law, it is still used today to argue against the legality of elective abortion.

#### 4.4 The Use of the Hippocratic Oath in Pro-Life and Pro-Choice Associations

The Hippocratic Oath has been and continues to be used as a symbolic force to associate certain groups of physicians with the right to life movement. In April 2015, the Students for Life of America held the 11<sup>th</sup> annual Pro-Life Hippocratic Banquet.<sup>218</sup> As it was advertised, the banquet would involve a discussion of the history of the oath and end with attendees reciting it. The history of the oath would be discussed, though the document was interpreted to uphold the sanctity of life "from conception to natural death." Thus, the Students for Life of America would swear the Hippocratic Oath with the belief that it forbade all abortion, and intend to adhere to

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<sup>216</sup> *Ibid.*, Kuta, "Rise and Decline," 98.

<sup>217</sup> "World Abortion Policies 2011," United Nations, Department of Economic and Social Affairs, Population Division. [www.unpopulation.org](http://www.unpopulation.org), as cited by Theodore D. Mountokalakis, "Modern Medical Ethics and the Legacy of Hippocrates," *Hospital Chronicles* 9, no. 4 (2014): 231.

<sup>218</sup> "Creative Event Idea: The Pro-Life Hippocratic Oath Ceremony," Students for Life of America, last modified April 9, 2015, <http://studentsforlife.org/2015/04/09/creative-event-idea-the-pro-life-hippocratic-oath-ceremony/>. The stated mission of this group is to help "young people make abortion unthinkable and obsolete on their campus, in their community, and in our nation."

this tenet. The oath was used to reinforce the group’s belief that life should be considered sacred at all stages of development. If they believe that the ethical guidelines set out by the Hippocratic author forbade abortion, then they would believe that they should not perform it themselves. Their stance on this issue may not be entirely based on the Hippocratic Oath, but the oath is used to argue that their stance is correct and respectable.

The Association of American Physicians and Surgeons (AAPS) states that “since 1943, AAPS has been dedicated to the highest ethical standards of the Oath of Hippocrates and to preserving the sanctity of the patient-physician relationship and the practice of private medicine.”<sup>219</sup> When discussing ethical principles relating to medical practice, the website states that the main principles concerned are, “individual liberty, personal responsibility, limited government, and the ability to freely practice medicine according to time honored Hippocratic principles.” This association states that the Hippocratic Oath “clearly opposes” abortion on one webpage, and that the oath “was unambiguous: the ethical physician did not kill patients, either before or after birth.”<sup>220</sup> Because of the association’s reverence for, and interpretation of, this ancient document, these physicians have taken a strong pro-life stance. The ambiguity of the line in the original Hippocratic Oath has already been discussed, but it is clear from these statements that the AAPS believes that the author of it definitively forbade abortions. Again, reverence for Hippocratic principles—regardless of their original context or meaning—has formed the foundation for this medical association’s claims.

Reverence for the Hippocratic Oath as a basis for the pro-life movement can also be found on websites such as [americanrtl.org](http://americanrtl.org), [abort73.com](http://abort73.com), and [physiciansforlife.org](http://physiciansforlife.org), to name a

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<sup>219</sup> “About AAPS,” AAPS Association of American Physicians and Surgeons, accessed February 25, 2018, <https://aapsonline.org/about-aaps/>.

<sup>220</sup> <https://aapsonline.org/2003-resolution-affirming-the-sanctity-of-human-life/>, <https://aapsonline.org/aaps-news-november-2014-war-on-life-2/>.

few. The American Right to Life organization again attempts to justify the belief that abortion is wrong by invoking the Hippocratic author. The website quotes the oath as stating, “I will not...cause an abortion,” and references abort73 in their claim that the current oath used today has been “replaced by vague generalities... and fails to list any of the prohibitions against euthanasia, abortion, and sexual relations with patients (which was prohibited in the original).”<sup>221</sup> Physiciansforlife.org includes many articles on the Hippocratic Oath, and quotes it as forbidding any instrument which could cause an abortion.<sup>222</sup> This association recognizes that the oath has changed since it was first written and states that abortion should be legal when the mother’s life is in danger, though once again uses Hippocratic principles to argue that abortion is wrong. The Hippocratic Oath may not be the basis for the beliefs of each association—rather, their beliefs are largely cited in religion and the concept of life at conception—though the document is used to emphasize the validity and moral standing of the pro-life stance.

In 1999, a “march for life event” occurred outside of the offices of the Canadian Medical Association (CMA) because, as organizers said, the association did not follow the ethical guidelines contained in the Hippocratic Oath.<sup>223</sup> The march was led by Dr. Andre Lafrance, a member of the group Physicians for Life, who is quoted as saying, “For (the CMA), the Hippocratic Oath is just a historical accident. They’ve pretty well forgotten about it. They do [sic] as if it didn’t exist anymore.” It is clear from this statement that Lafrance hoped to start a discussion on the ethical guidelines that physicians follow, particularly regarding abortion. Again, the Hippocratic Oath is cited as the ideal document for physicians to swear by. The

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<sup>221</sup> “The Hippocratic Oath and Abortion,” American Right to Life, accessed March 3, 2018, <http://americanrtl.org/Hippocratic-Oath-and-Abortion>.

<sup>222</sup> “Hippocratic Oath,” Quotes, Physicians for Life, last modified February 4, 2011, <http://www.physiciansforlife.org/hippocratic-oath/>.

<sup>223</sup> “Pro-life doctors plan Hippocratic campaign,” *The Interim*, March 16, 1999, <http://www.theinterim.com/issues/pro-life-doctors-plan-hippocratic-campaign/>.

ethical code within this oath laid the foundation for the march, and provided justification for this group to argue their beliefs in the abortion debate. It is unclear which version of the oath the group refers to, though their use of a Hippocratic author to justify their beliefs in modern-day society is significant. Miles summarizes this problem well when he states, “opponents of medical abortion have altered this passage and elevated it above other passages of the oath. Thus, it has become an icon rather than one passage from a human document of its time that tacitly accepts slavery, limits professional training to men, and invokes Apollo.”<sup>224</sup> It is because of the reasons that Miles states, that references to the Hippocratic Oath are virtually non-existent in pro-choice associations across Canada and the U.S.

The only mention of the Hippocratic Oath that I was able to find from a pro-choice association was on the Pro-Choice Action Network’s website, in an article entitled, “Hypocrisy and the Hippocratic Oath.”<sup>225</sup> In this article Joyce Arthur discusses the legal status of the Hippocratic Oath in response to LaFrance’s march by CMA headquarters. She proceeds to discuss the original text of the oath to demonstrate that the concepts within it are outdated and irrelevant to current societal norms. The purpose of this article, then, is to directly oppose those who believe that the oath is a valid piece of argumentation to support anti-abortion sentiments. Instead of arguing that the oath may not have restricted all abortions, pro-choice associations either do not address the text and focus on medical and social stipulations to do with abortion procedures, or they address the ambiguity and outdated concepts that the oath contained. The oath is no longer a document which creates the basis for medical ethics but rather is symbolic.

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<sup>224</sup> Miles, *Ethics of Medicine*, 90.

<sup>225</sup> Joyce Arthur, “Hypocrisy and the Hippocratic Oath,” *Humanist in Canada* 32, no. 4 (Winter 1999/2000), <http://www.prochoiceactionnetwork-canada.org/articles/hippo.shtml>. I was unable to find any reference to the Hippocratic Oath on the websites of the National Abortion Federation (NAF), NARAL: Pro-Choice America, or the Abortion Right Coalition of Canada.

This symbolism is recognized by pro-choice and pro-life organizations, though each uses it in a different way. The modern oath is much different than the original due to changing concepts of what is considered morally right, and even the original was ambiguous in its stance on abortion. Given this it seems truly significant that both the original and adapted versions of the document continue to be a fixture of the abortion debate 2500 years after its composition.

## Conclusion

This study has provided an overview of a large portion of history in a short amount of space. Many complicated issues arise when studying such a large length of time, and inconsistencies are present in the historical record that are difficult to reconcile. Though certain eras remain untouched, I have attempted to provide a clear picture of the history, use, and relevance of the Hippocratic Oath in social, moral, religious, and legal terms from the fourth century BCE to present day. The oath's stance on abortion was unclear even in the ancient world where physicians debated whether the specification of pessaries was a ban on simply pessaries, or a blanket ban on all abortion methods. Regardless, these physicians were not required to adhere to an oath, and abortion was legal and morally harmless in religious terms. The fetus was of no concern, only the father's right to offspring influenced whether or not abortion was a crime. Abortion was frequently performed in the ancient world and was openly discussed in medical texts and everyday literature. The rise of Christianity brought with it concepts of the sacredness of human life that had not been present previously, and church fathers were able to reconcile theological concepts such as *imago dei* with their interpretation of the "Hippocratic" stance on abortion. A version of the oath which prohibited all abortions circulated in medical schools in this period, and Hippocrates was employed as a respected and great medical authority in these institutions, which bolstered the oath's reputation as a sacred medical document. The

swearing of the oath upon graduation became commonplace, and religious beliefs and law tightened restrictions on harming what many believed to be the human life of the fetus. In the modern day, the Hippocratic Oath has been changed to omit its association with religion and abortion, though it is still used to reinforce pro-life sentiments. I hope to have provided a demonstration of this document's transmission and translation and the reasons for its use or non-use in these periods, to demonstrate how and why this document went from moderate obscurity to become the symbolic force that it is today. The document began as an esoteric text that may have held an entirely different meaning than it does presently, and only became relevant centuries after its composition. Rather than look to this 2500-year-old document written by an unknown author that contains a vague stance on a contentious operation, then, we should continue to look to current social, moral, and medical beliefs to determine what is best in present-day medical ethics.

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